



DATA PROTECTION ACT 1998

# SUBJECT ACCESS REQUEST

## Procedure Manual

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# Invest NI Subject Access Request Procedure Manual

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# 1. Introduction

This procedure manual outlines the requirements of the Data Protection Act 1998 ('the Act') in relation to Subject Access Requests and the procedures which Invest NI has put in place to ensure that staff comply with these. Its aim is -

- to encourage consistency and best practice in compliance regarding Subject Access rights of the Act across Invest NI, and
- to answer frequently asked questions about Subject Access Requests.

This manual sets out Invest NI's approach to handling Subject Access Requests from individuals, including those from Invest NI employees.

An online training package on handling subject access requests is also available. The Data Protection segment lasts 20 minutes. This course should be used in conjunction with this procedure manual.

Specific guidance on individual requests can be obtained from the Information Governance and Management Team ([privacy.officer@investni.com](mailto:privacy.officer@investni.com)).

## 1.1 *What is a Subject Access Request (SAR)?*

The Data Protection Act 1998 gives individuals the right to be told what personal information Invest NI is holding about them and, unless an exemption applies, to receive a copy of that information.

They do this by making a subject access request which might be sent to any member of staff. The request must be in writing (including faxes and emails) so if a request is made by telephone or in person, the individual should be asked to put it in writing.

The request can be very broad (such as, 'give me a copy of information you hold about me') or it can be very precise ('give me a copy of the letter you wrote about me yesterday').

If a request does not mention the Act specifically or even say that it is a subject access request, it is nevertheless valid and should be treated as such if it is clear that the individual is asking for their own personal data.

A request is valid even if the individual has not sent it directly to the person who normally deals with such requests – so it is important to ensure that all staff can recognise a subject access request and treat it appropriately.

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## 1.2 Routine Requests

This procedure manual applies only to formal Subject Access Requests. If you would usually provide the requested information in the course of normal business you should continue to do so (e.g. interview feedback). In answering these routine requests all the requested information should be provided within the timescale allowed by the legislation (40 calendar days).

However if any information requested in a routine request is to be withheld it must be treated as a formal Subject Access Request and the procedures outlined herein should be followed. This is because information can only be withheld if an exemption applies, including third party information.

## 1.3 What is an individual entitled to?

Under the right of subject access, an individual (the 'Data Subject') is entitled only to their own personal data, and not to information relating to other people (unless they are acting on behalf of that person). So it is important to establish whether the information requested falls within the definition of personal data. In most cases, it will be obvious whether the information being requested is personal data, but there is separate guidance to help you decide in cases where it is unclear.

Subject access provides a right to see the information contained in personal data, rather than a right to see the documents that include that information.

Various exceptions to the right of subject access apply in certain circumstances or to certain types of personal data.

## 1.4 What to do if you receive a Subject Access Request

In all cases, the Information Management & Governance (IMG) Team should be advised that a request has been received to enable the details of the request to be entered on the Invest NI Subject Access Request monitoring log. ([Privacy.Officer@investni.com](mailto:Privacy.Officer@investni.com))

If you have no reservations whatsoever about giving out the information which has been requested follow the steps below, '[Processing Subject Access Requests](#)'.

If you have concerns about giving out the information, contact the Information Governance Manager (Danny Smyth, ext 8655) for advice, for example, if the information includes personal data about a third party.

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If all or some of the information is held by another business area, then forward the request to the Information Governance Team.

### **1.5 Information required before responding to a Subject Access Request**

The Act allows you to confirm two things before you are obliged to respond to a request.

First, you can ask for enough information to judge whether the person making the request is the individual to whom the personal data relates. This is to avoid personal data about one individual being sent to another, accidentally or as a result of deception. The key point is that you must be reasonable about what you ask for. You should not request more information if the identity of the person making the request is obvious to you. This is particularly the case, for example, when you have an ongoing relationship with the individual. The level of checks you should make may well depend on the possible harm and distress which inappropriate disclosure of the information could cause to the individual concerned.

The second thing you are entitled to do before responding to a subject access request is to ask for information that you reasonably need to find the personal data covered by the request. Again, you need not comply with the subject access request until you have received this information. In some cases, personal data may be difficult to retrieve and collate. However, it is not acceptable for you to delay responding to a subject access request unless you reasonably require more information to help you find the data in question.

You should not ignore a request simply because you need more information from the person who made it. You should not delay in asking for this, but should ensure the individual knows you need more information and should tell them what details you need. Provided you have done so, the 40-day period for responding to the request does not begin to run until you have received any additional information that is necessary.

### **1.6 Can Subject Access Requests be made on behalf of others?**

The Act does not prevent an individual making a subject access request via a third party. Often, this will be a solicitor acting on behalf of a client, but it could simply be that an individual feels comfortable allowing someone else to act for them. In these cases, you need to be satisfied that the third party making the request is entitled to act on behalf of the individual, but it is the third party's responsibility to provide evidence of this entitlement. This might be a written authority to make the request or it might be a more general power of attorney.

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If you think an individual may not understand what information would be disclosed to a third party who has made a subject access request on their behalf, you may send the response directly to the individual rather than to the third party. The individual may then choose to share the information with the third party after having had a chance to review it.

### **1.7 Do I have to explain the contents of the information I send to the individual?**

The Act requires that the information you provide to the individual is in “intelligible form”. At its most basic, this means that the information you provide should be capable of being understood by the average person. However, the Act does not require you to ensure that the information is provided in a form that is intelligible to the particular individual making the request. For example the Act requires you to explain the meaning of coded information. However, although it would be good practice to do so, the Act does not require you to decipher poorly written notes, since the meaning of “intelligible form” does not extend to “make legible”.

### **1.8 What if sending out copies of information will be expensive or time consuming?**

In some cases, dealing with a subject access request will be an onerous task. This might be because of the nature of the request, because of the amount of personal data involved, or because of the way in which certain information is held. You are not obliged to supply a copy of the information *in permanent form* if it would involve disproportionate effort to do so. You must decide whether supplying a copy of the information would involve disproportionate effort.

The Act does not define “disproportionate effort” but it is clear that there is some (albeit limited) scope for assessing whether complying with a request would result in so much work or expense as to outweigh the individual’s right of access to their personal data. However, it should be noted that this qualification to the right of subject access only applies in respect of “supplying” a copy of the relevant information in permanent form. So you cannot refuse to deal with a subject access request just because you think that locating the information in the first place would involve disproportionate effort.

The ICO has stressed that this provision should be relied on only in the most exceptional of cases. The right of subject access is central to data protection law and it is rare for an organisation to legitimately use disproportionate effort as a reason for not allowing an individual to access their personal data. Even if you can show that supplying a copy of information in permanent form would involve disproportionate effort, you should still try to comply with the request in some other way for example by allowing the applicant to view the information by visiting the premises.

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## **1.9 What about repeated or unreasonable requests?**

The Data Protection Act does not limit the number of subject access requests an individual can make to any organisation. However, it does allow some discretion when dealing with requests that are made at unreasonable intervals.

The Act says that you are not obliged to comply with an identical or similar request to one you have already dealt with, unless a reasonable interval has elapsed between the first request and any subsequent ones.

The Act gives you some help in deciding whether requests are made at reasonable intervals. It says that you should consider the following:

- The nature of the data – this could include considering whether it is particularly sensitive.
- The purposes of the processing – this could include whether the processing is likely to cause detriment to the individual.
- How often the data is altered – if information is unlikely to have changed between requests, you may decide that you are not obliged to respond to the same request twice.

## **1.10 What are the consequences of not handling a request correctly?**

The consequences of failing to comply with the Act are serious. In the case of subject access requests:

- Individuals have the right to compensation in the event that they are damaged by a contravention of the Act, for example if we fail to supply them with the information they request (unless an exemption applies) within the 40 day time limit and their interests suffer as a result;
- Individuals may complain to the Information Commissioner about any decision we make regarding the disclosure or non-disclosure of their personal information. The Information Commissioner may serve an enforcement notice on us to release the information;
- Further, the individual making the request may seek an order for disclosure from the courts.

It is therefore important that we release information liable for disclosure within the 40 day limit. In the case of any dispute, it is important that Invest NI is able to demonstrate that good practice was followed.

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## 2. Invest NI procedure for Processing Subject Access Requests

The procedures to be followed upon receipt of a Subject Access Request are designed to enable Invest NI to comply fully with the requirements of the Data Protection Act 1998.

As with Freedom of Information Requests, Subject Access Requests should be overseen and decisions made by an appropriate 'Decision Maker'. Decision Makers in Invest NI are generally at Grade 7/Client Manager level.

All responses must be approved at Director level before being passed to IMG on or before day 30. This will allow appropriate time for feedback and consideration by the IMG Team and senior management, if required.

### **Step 1 Check that the Request Comes Within the Scope of the Data Protection Act and advise Information Governance Team**

For subject access requests, this means one that:

- has been received in writing (including email);
- is a request for information about the data subject;
- provides sufficient information to verify the data subject's identity;
- provides sufficient information to enable Invest NI to locate the information required.

Please note the applicant does not have to quote the Act to have the request treated as such.

**If satisfied that the request is a Subject Access Request, advise the Information Governance Team who will allocate you with a Reference Number and log on the Invest NI Subject Access Request Monitoring Log.**

**Copies of the request and all further correspondence to and from the applicant must be copied to the IMG Team ([privacy.officer@investni.com](mailto:privacy.officer@investni.com)).**

### **Step 2 Verify the identity of the data subject**

Before disclosing any personal information, you must verify the identity of the applicant. Whilst it is important that you do not send copies of personal information to people who are not the data subject, you must not appear obstructive. The Act requires you to take reasonable measures to verify their identity. You should keep a record of what measures you take.

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You can often verify identity from circumstances (e.g. address, internal employee email address). If this is not possible, you can write to the individual asking them to send you a photocopy of some form of identification such as their passport or driving licence (Template letter 1). On receipt of proof of identity please complete and sign the [subject access request identity verification form](#), scan and send to [privacy.officer@investni.com](mailto:privacy.officer@investni.com). The proof of identity must then be returned to the applicant by recorded delivery (if an original document) or destroyed through placing it in confidential waste (if a photocopied document).

### **Step 3 Clarify the request (if necessary)**

If the request is unclear or is very broad, contact the applicant to seek clarification or a narrowing of the request. This can be done by telephoning the applicant or issuing Template letter 2. Where further information is required before a search can be undertaken, the applicant should be contacted within one working day of receipt.

Both Steps 2 and 3 are addressed by Template letter 3.

### **Step 4 Calculate deadline for response**

On receipt of all required information you have a **maximum** of 40 calendar days to respond.

### **Step 5 Acknowledgement of receipt of Subject Access Request**

Send Acknowledge receipt of request (Template letter 4).

This step should be completed **no later than 5.00 pm** on the day following receipt of the request.

### **Step 6 Search for information**

Based on your knowledge of your business area, decide where personal information about the applicant might be held and locate that information. You may need to search central filing systems, personnel records and shared databases.

You may also need to speak to members of staff who might hold information about the individual in other business areas such as Human Resources (or line management if request is being handled by Human Resources).

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## **Step 7 Review information considering possible exemptions**

Once you have collected together the information held about an individual, you must examine it in detail to establish if it can be released. This must be done on a case-by-case basis for each individual piece of information. In some cases, you might have to disclose only parts of particular documents.

- Check that the record is actually about the person concerned and not someone else with the same name.
- Screen out any duplicate records.
- Only disclose information about the person making the request. Where a document contains personal data about others, consider blanking out names or contacting the third party to obtain their consent to disclose the record ([Template letter 5](#)). Please see Step 8 and also the [Subject Access and Third Party Information](#) section below.
- Do not disclose information which would prejudice the prevention or detection of a crime. For example, if the police informed Invest NI that a member of staff is under investigation but the individual concerned was not aware of this, then we should not provide any information related to the investigation to the individual whilst the investigation is in progress. However, if the investigation is closed, or if the member of staff has been informed that there is an investigation underway, then the information should be disclosed in response to a subject access request.
- You should not disclose any records which contain advice from our legal representatives or where we are asking for legal advice or which were written as part of obtaining legal advice.
- Do not disclose information which is being used in negotiations with the individual if the information gives away our negotiating position and disclosing the information would weaken our negotiating position.
- In addition to the above, the Act contains a number of other [exemptions](#). If there is material that you are concerned about releasing, please contact Danny Smyth (ext. 8655), Information Governance Manager for advice.

You must not destroy information because it would be embarrassing to disclose. This is a criminal offence if it is done after a subject access request has been made. As you put the information together, you may discover material which does not reflect favourably on Invest NI. For example, you may find papers which show that standard procedures were not followed, or documents which may cause offence to the data subject. These documents must be disclosed. However, you should bring their contents to the attention of the relevant business

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area manager to ensure that appropriate action is taken to address any issues they raise.

### **Step 8 Third Party Consultation**

In some circumstances, responding to a subject access request may involve providing information relating to another individual who can be identified from that information (third party information). In consideration of the exemptions in Step 7 above you should consult any third party who is included in the requested information if appropriate. Please see [Subject Access and Third Party Information](#) section below. If you are contacting the third party to obtain their consent to disclose the record please use [Template letter 5](#).

### **Step 9 Review & Approval by Divisional Director**

The proposed final response should be drafted using the applicable template (see [Template letters 6 – 8](#)). The draft response must be reviewed and approved by the Divisional Director. Directors may find it helpful to confirm with the Decision Maker that any guidance provided by the Information Governance Manager to their Division during the course of considering the request has been incorporated into the response prior to their review.

### **Step 10 Consideration by Information Governance Team**

When approval is received by Divisional Director, the final draft response should be sent to the IMG team **on or before day 30**. In this referral, the Decision Maker should detail his/her reasons for recommending any partial or full exemptions proposed; this must include any third party objections. This consideration is an assurance that all requirements of the response are made in line with the legislation including the application of exemptions. The response may also be reviewed by senior management for approval if required.

### **Step 11 Respond to Applicant**

On receipt of feedback from the IMG Team, the Division should ensure that applicant be provided with all the personal information relating to them which meets their request, that is not exempt and which will not disclose personal information relating to a third party (without their consent). This must be done **within 40 Calendar days**.

Ensure the applicant is informed of his/her right of appeal to the Information Commissioner by using the appropriate template.

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### **Step 12 Update of Meridio file**

The IMG Team will hold a file on each Subject Access Request in a restricted section of Meridio. The team responding to the request must ensure that each request is fully documented by providing the Information Governance Team with the following:

- Copies of all correspondence between Invest NI, the individual and any other parties;
- A record of any telephone conversations used to verify the identity of the individual or the information required.
- A record of your decisions and how you came to make those decisions.
- Copies of information sent to the applicant.

The file should also contain the following information:

- The name of the applicant;
- The date the request was received;
- The 40 day response deadline;
- The date you replied to the subject access request

### **Step 13 Update Subject Access Request monitoring log**

As a final step, the Information Governance Team should update the Invest NI Subject Access Request Monitoring Log with details of the request.

#### ***Time limits to note:***

Confirmation of Identity Letter and/or Letter requesting clarification of requested information must be issued within **1 working day** of receipt of initial request.

Every request must be acknowledged within **1 working day** of receipt (after confirmation of identity & requested information, if required) of valid request.

The information must be collated and a decision made as to whether any exemption applies within **12 calendar days**.

Any third party consultation must be done at the very latest by **12 calendar days** to allow **10 working days** for their response.

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Teams should ensure that they provide Directors with sufficient time to review responses prior to day 30, at which stage the final draft response, approved by Director, should be forwarded to the Information Governance Team (within **30 calendar days**) to allow time for consideration by SMP.

SMP will return draft responses with feedback to Divisions no later than **day 35**.

The entire process must be completed to ensure the applicant receives a full response as quickly as possible, but no later than **40 calendar days** of receipt.

### **Review Process**

Please note that there is no Internal Review option for Subject Access Requests.

Applicants are directed to the Information Commissioner to appeal any decisions made by Invest NI in relation to their request.

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### 3. Subject Access and Third Party information

In some circumstances, responding to a subject access request may involve providing information relating to another individual who can be identified from that information (third party information). This can give rise to conflict between the data subject's right of access and the third party's right to respect for his or her private life. When dealing with such requests, Invest NI should be sensitive to and give proper consideration to this potential conflict before deciding whether to disclose third party information.

The disclosure of the third party information in compliance with a subject access request may expose Invest NI to complaint or action by a third party, for example a complaint to the Information Commissioner that Invest NI has breached the principles or an action in the courts for breach of confidence.

Relevant factors to which Invest NI should give consideration in deciding whether, or to what extent, the Act requires it to disclose third party information are set out below.

The flowchart diagram at section 3.7 (page 18) summarises how to deal with subject access requests when the identity of a third party, i.e. another person other than the applicant, might be revealed within the personal information being reviewed for release.

#### ***3.1 Does the request require the disclosure of information which identifies a third party individual?***

You should consider whether it is possible to comply with the request without revealing information which relates to and identifies a third party individual. In considering this, you should not only take into account the information being disclosed, but also any information which it reasonably believes the person making the request may have, or get hold of, that may identify the third party individual.

You should give as much information as possible to the data subject without revealing the identity of the third party. This might be achieved by editing the information to remove names or other identifying details (the obligation is to provide information rather than documents).

However, in such cases, there will always be residual third party information and so in all such cases you will need to take into consideration other factors before you are in a position to establish whether you are obliged to comply with the request in respect of the additional third party information.

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### **3.2 *Has the third party individual consented?***

The clearest grounds for disclosing the information is to get the third party individual's consent. Where the third party has consented to the disclosure to the person making the request, you must comply with the request and disclose the third party information.

However, there is no obligation to try to get consent. In practice, it may be difficult to get consent. The third party may be difficult to find, they may refuse to give consent, or it may be impractical or costly to try to get their consent in the first place. In these situations, you would then need to consider whether it was 'reasonable in all the circumstances' to disclose the information anyway.

There will be some circumstances where it will clearly be reasonable to disclose without trying to get consent, for example, where the information concerned will be known to the requesting individual anyway. Indeed it may not always be appropriate to try to get consent (for instance, if to do so would inevitably involve a disclosure of personal data about the requesting individual to the third party individual).

However, to avoid falling foul not only of the Act but other provisions of law, for example, confidentiality, disclosure without consent should not be made until proper consideration has been given to all the relevant factors.

### **3.3 *Would it be reasonable in all the circumstances to disclose without consent?***

The Act highlights some of the factors to be taken into account in deciding what would be 'reasonable in all the circumstances' but the list is not exhaustive. They are:

- any steps taken by Invest NI to seek the consent of the third party,
- whether the individual is capable of giving consent,
- any express refusal of consent by the third party.

Invest NI would be expected to be able to justify and keep a record of the course of action and reasoning, including, for example, why it was decided not to try to get consent or why it was not appropriate to try to do so in the circumstances.

### **3.4 *Confidentiality***

Another factor to be considered in assessing how reasonable a disclosure would be is whether a duty of confidence exists for the third party information. This would arise where information which is not generally available to the public (that is, genuinely 'confidential' information) has been disclosed to you with the expectation that it will remain confidential. This expectation might result from the

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relationship between the parties. A duty of confidence is characteristic of several types of relationships, for example, employment (trade secrets) legal (solicitor/client) and financial (bank/customer).

However, you should not always assume confidentiality. For instance, just because a letter is marked 'confidential', a duty of confidence does not necessarily arise (although this marking may indicate an expectation of confidence). It may be that the information in such a letter is widely available elsewhere (and so it does not have the 'necessary quality of confidence'), or there may be other factors, such as the public interest, which mean that an obligation of confidence does not arise.

However, in most cases where a clear duty of confidence does exist, it will usually be reasonable to withhold third party information unless you have the consent of the third party individual to disclose it.

Where there is no duty of confidence, it will be reasonable in many cases to disclose third party information without consent. However, there will be circumstances where disclosure should not be made without consent even where the information to be disclosed is not confidential in nature, for example, where it is sensitive or where it is likely to cause harm.

### **3.5 Information generally known by the individual making the request**

If the third party information has previously been provided to the individual making the request, is already known by them, or is generally available to the public, it will be more likely to be reasonable for you to disclose that information. It follows that third party information relating to a member of staff (acting in the course of their duties), who is well known to the individual making the request through their previous dealings, would be more likely to be disclosed than information relating to an otherwise anonymous private individual.

Similarly, where the third party individual is the source of the information held about the person making the request, there may be a strong case for their identification if the person needs to correct some damaging inaccuracy. However, it will always depend on the circumstances of the case, for example in the Durant v Financial Services Authority (FSA) case ([2003] EWCA Civ 1746), the Court of Appeal decided it would be legitimate for the FSA to withhold the name of one of its employees who did not consent to disclosing the requested information because Mr Durant (who made the request) had abused them on the telephone.

### **3.6 Disclose or withhold?**

If you have not got the consent of the third party individual and you are not satisfied that it would be reasonable in all the circumstances to disclose the third party information, then you should withhold it.

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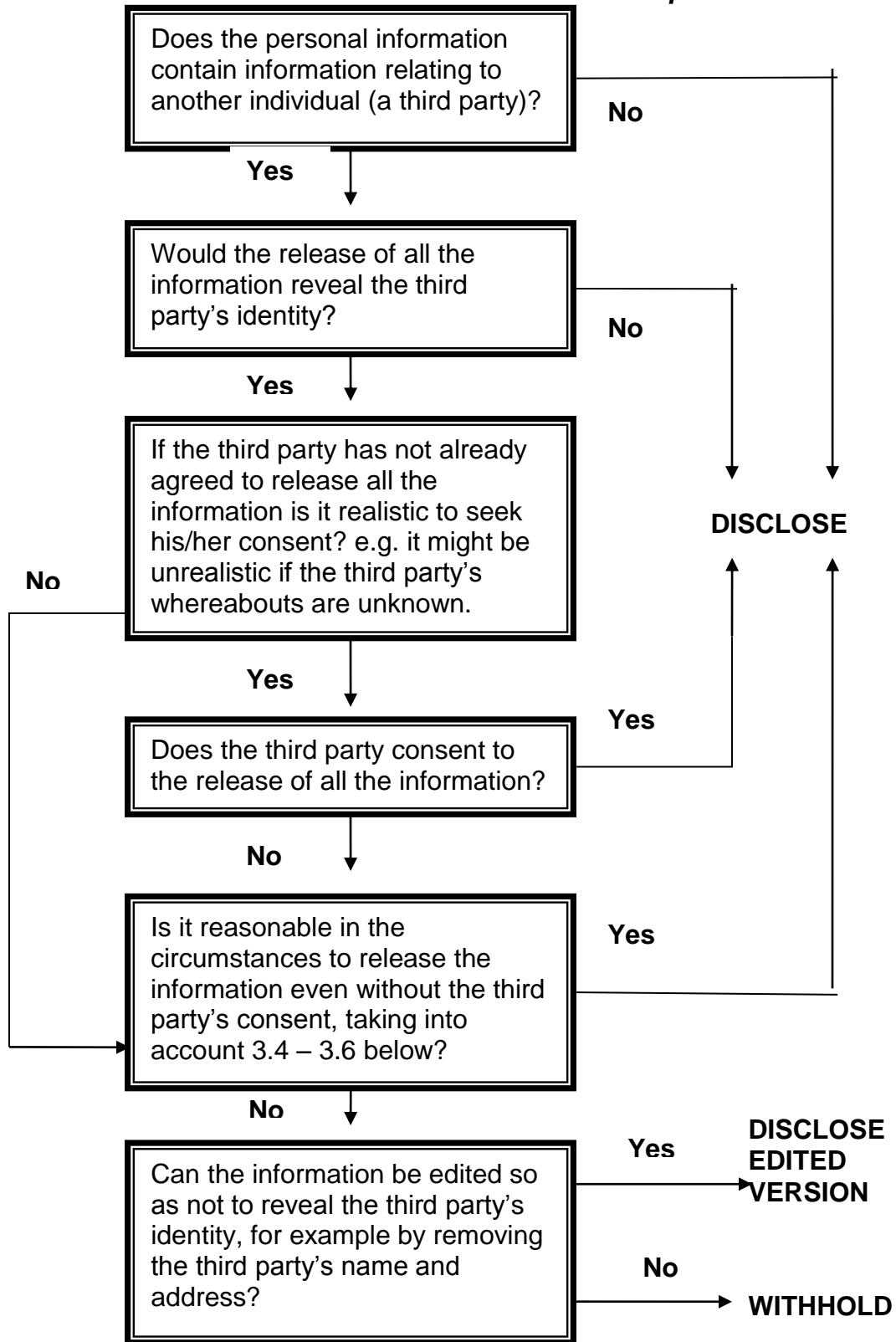
However you are obliged to communicate as much of the information requested as you can without disclosing the identity of the third party individual. So, disclosing the information with any third party information edited or deleted [redacted] may be the best way to meet this request if you cannot disclose all the information.

You should ask the following key questions when dealing with subject access requests involving third party information:

- Does the information being accessed contain information about a third party?
- If so, would its disclosure reveal the identity of the third party?
- In deciding this, has other information which the data subject has/may get been taken into account?
- To what extent can the information be edited so it can be given promptly without revealing the third party's identity? (This does not overcome Invest NI's obligation to comply with the request by disclosing third party information where the third party consents to such disclosure or it is otherwise reasonable to comply with the request without his/her consent.)
- Has the third party previously given the information to the person making the request?
- If, or to the extent that, the information will identify the third party, has the third party consented to the disclosure?
- If not, should consent be sought?
- Is it reasonable to disclose the third party information without consent?
- Is the third party information confidential, sensitive or harmful?
- Is the third party information of particular importance to the data subject?

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**3.7 Flowchart – Access when information about third parties is involved:**



## 4. Exemptions

Several specific exemptions are set out in Part 4 of, and Schedule 7 to, the Data Protection Act. There are other exemptions in regulations made under the Act (such as [Third Party Information](#)).

Subject to these exemptions, any personal information held on the data subject is potentially disclosable in response to a subject access request. Unless a relevant exemption can be invoked, personal data may have to be disclosed.

The Data Protection Act bundles several rights and duties into two groups, and the exemptions tend to work by “disapplying” (blocking) one or both of these groups. The two groups are the “subject information provisions” and the “non-disclosure provisions”.

The subject information provisions include an individual’s right to make a subject access request. The following are the exemptions from the right of subject access that may have relevance to Invest NI.

### **Crime and taxation**

Personal data processed for the prevention or detection of crime; the capture or prosecution of offenders; and the assessment or collection of tax or duty is exempt from an individual’s right to make a subject access request. This prevents the subject information provisions applying to personal data which is passed to statutory review bodies by law enforcement agencies, and ensures that the exemption is not lost when the information is disclosed during a review.

### **Research, History and Statistics**

Section 33 of the Act provides for various exemptions for research purposes (including statistical or historic purposes) provided the processing is exclusively for those purposes and the information is not processed to support measures or decisions relating to particular individuals and in such a way that substantial damage or distress is, or is likely, to be caused to any data subject.

### **Manual Public Authority Personnel Records**

A new exemption (33A) was added to the DPA by the Freedom of Information Act relating only to manually processed personal data not held in any “relevant filing system” relating to appointments or removals, pay, discipline, superannuation or other personnel matters in relation to service in any public authority. A relevant filing system essentially means any set of information about workers in which it is easy to find a piece of information about a particular worker e.g. Meridio, an organised manual personnel file in off site storage. The Section 46 FOI Records Management Code of Practice requires Invest NI to have relevant filing systems to enable retrieval of information.

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### **Publicly available information**

Where an organisation is obliged by or under an enactment to make information available to the public, personal data that is included in that information is exempt. The exemption only applies to the information that the organisation is required to publish. If it holds additional personal data about the individuals, the additional data is not exempt even if the organisation publishes that data.

### **Corporate Finance**

Personal information processed for the purposes of or in connection with a corporate finance service is exempt from the subject information provisions where disclosure could affect the price or value of particular instruments of a price sensitive nature or in order to safeguard an important economic or financial interest of the UK.

### **Confidential references**

Personal data is exempt if it comprises a confidential reference that an organisation gives (or is to give) in connection with education, training or employment, appointing office holders, or providing services. The exemption only applies to references you give, and not to references you receive.

### **Management information**

A further exemption applies to personal data that is processed for management forecasting or management planning. Such data is exempt from the subject information provisions to the extent that applying those provisions would be likely to prejudice the business or other activity of the organisation.

### **Negotiations**

Personal data that consists of a record of your intentions in negotiations with an individual is exempt from the subject information provisions to the extent that applying those provisions would be likely to prejudice the negotiations.

### **Legal advice and proceedings**

Personal data is also exempt from the subject information provisions if it consists of information for which legal professional privilege could be claimed in legal proceedings.

### **Self-Incrimination**

If by complying with any subject access request or order under section 7 of the Act, a person would reveal evidence of the commission of any offence, other than an offence under the Data Protection Act, exposing them to proceedings for that offence, that person need not comply with the request. If, in complying with a subject access request, a person discloses information which is proposed to be used in evidence against them in proceedings for an offence under the Data Protection Act, that information shall not be admissible in evidence against them.

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## 5. Subject Access Request Identity Verification Form

Personal Details	
Name	
Address Line 1	
Address Line 2	
Town	
County	
Postcode	

### Proof of Identification/Proof of Residential Address

Identity Verification		Address Verification	
	Please tick one box	You must examine at least <b>ONE</b> of the documents from the list below	Please tick box
Passport	<input type="checkbox"/>	Utility Bill (e.g. electricity, gas, oil)	<input type="checkbox"/>
Driving Licence	<input type="checkbox"/>	Rates Bill	<input type="checkbox"/>
Other [Insert details] <sup>1</sup>	<input type="checkbox"/>	Telephone Bill	<input type="checkbox"/>
		Credit Card or Bank Statement	<input type="checkbox"/>
		Other [Insert details] <sup>2</sup>	<input type="checkbox"/>
<b>All proof of identification must be valid and original</b>		<b>All proof of address must be valid (last 6 months) and must include the individual's name and address. Photocopy acceptable.</b>	

**I confirm that I have examined the original evidence as indicated on this form and I have verified the applicant's identity and address. The evidence has been placed in the confidential waste bin for shredding (copies only) or returned to the applicant (originals).**

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_  
[SO or above]

Position: \_\_\_\_\_

Date: \_\_\_\_\_

<sup>1</sup> EU Photo ID Card, Adoption Card, HM Forces ID Card are acceptable.

<sup>2</sup> Marriage Certificate, [TV License, P45/60 Statement, Tax Code Statement (current year)] are acceptable.

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## Version Control

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