

Subject Access Request Policy

Introduction

The General Data Protection Regulation ("GDPR")¹, in particular Article 15 (Right of Access by the data subject) is designed to protect your personal data and sets rules for processing this information and your rights to access this information.

GDPR says that those who record and use personal information must be open about how the information is used and must make sure it is handled properly.

The Act says that information about you must be:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate
- Not kept for longer than necessary
- Processed in line with your rights
- Secure
- Not transferred to countries without adequate protection.

By law, we are required to keep to these principles.

What information do you hold about me and why?

The information we hold on our records is usually related to your tenancy history. For example:

- Names and dates of birth of people in your household
- Telephone numbers
- Rent payment history
- Information related to a transfer application, such as information on your health

This list is not exhaustive, as we hold records of most contact between yourself and our offices. We keep this information so we can provide the services you need.

How do you protect my details?

Along with the GDPR, it is our policy to ensure:



¹ References to the GDPR mean the GDPR as supplemented and varied by the Data Protection Act 2018.

- Information is only given to our staff and agencies on a need to know basis. Agencies with whom we share information observe our confidentiality policy.
- All records are kept securely.
- Interviews with residents will be carried out in private.

Personal information is treated as strictly confidential, unless you give consent or the law permits it. For example, the law allows us to share information with Police, Benefits Agency and other landlords to prevent or deal with anti-social behaviour, crime and fraud.

If you would like to authorise someone to access your personal data and act on your behalf, please complete a consent form in full and return to Shian. If you wish to withdraw permission you must notify us in writing.

If you telephone our offices to enquire about your rent account or personal matters related to your tenancy, you will be asked security questions to confirm your identity.

How can I find out what information you hold about me?

GDPR allows you to find out what information we hold about you and correct any mistakes.

You can request a copy of all personal information we hold, including special categories of personal information². In responding to the request, we must also provide you with the following information:

- a) The purposes of the processing; and
- b) The categories of personal data concerned; and
- c) The receipts or categories of receipt to whom the personal data have been or will be disclosed; and
- d) Where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period; and
- e) The existence of the right to request from Shian rectification or erasure of personal data or restriction of processing or to object to such processing;
- f) The right to lodge a complaint with the ICO; and
- g) Where the personal data is not collected from the data subject, any available information as to their source; and
- h) The existence of automated decision-making, including profiling, and in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

If you would like to do this, please complete the subject access request form and return to Shian.

If you have made previous requests to view information, you will only be given information that has been added since your last request.

² Special categories of personal data is defined within the GDPR and covers racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a person's sex life or sexual orientation.

No fee is payable by you unless a request is manifestly unfounded or excessive, particularly if it is repetitive, in which case we can charge a reasonable fee based on the administrative cost of providing the information. We may also charge a reasonable fee to comply with requests for further copies of the same information. The Government can set a limit on these fees. At present no fee limit has been set.

What will you send to me?

We will provide the information you have requested within one month of your request. We can extend the period of compliance by a further two months where requests are complex or numerous. If this is the case, we must inform you within one month of receipt of the request and explain why the extension is necessary.

You may be invited to view the data at one of our offices if we are unable to send it.

Please note that your right to see certain information may be limited. For example, if it may affect a police investigation of criminal prosecution then we are not permitted to disclose this information to you.

When a request is manifestly unfounded or excessive, we can refuse to respond. If we refuse to respond to a request, we must explain why to the individual, informing them of their right to complain to the ICO and to seek a judicial remedy (i.e. legal proceedings) without undue delay and at the latest within one month of the request.

The GDPR does not introduce an exemption for requests that relate to large amounts of data, so just because a request means we have to process a large quantity of information about an individual does not mean that it can be treated as manifestly unfounded or excessive. However, the GDPR does permit us to ask you to specify the information the request relates to (Recital 63).

Can I appeal?

If you feel our records are inaccurate, you can write to us asking for them to be amended.

If you feel we have unfairly withheld information or unfairly refused to amend our records, you can make a complaint to your Tenancy Services Officer using our standard complaints procedure.

Alternatively you can contact the Information Commissioners Office.



Procedure for Subject Access

Those who are entitled to make requests for data are those persons for whom we keep computerised records that include personal data, including special categories of personal information. These are likely to be present tenants, members of the household over 18, former tenants and persons referred to us for housing by our referral agencies.

Requests may be made in writing using the Subject Access Request Form (Appendix one).

All requests from current and former tenants must be passed to the relevant Tenancy Services Officer. Request from referrals must be passed to the Tenancy Services Officer who will forward a Subject Access Request Form to the referral with Section B completed.

The identity of the person requesting the information must be proved. It is anticipated that in most cases the signature can be verified against the records we hold. In cases where there is doubt as to the identity, or there is no record available, further proof must be sought

Examples of satisfactory proof:

Personal Identity	Address Verification
Current valid (signed) full UK passport	Recent utility bill – Gas, Electricity, Water, Telephone (Not mobile phones)
Current valid (signed) overseas passport	Mortgage statement or mortgage redemption statement
Current valid EEA member state ID card	Council Tax Bill
Current Residency Permit Issued by Home Office	Current Full UK Driving Licence (paper document)
Current Full UK Driving Licence	Current Full UK/EU Photo Card Driving Licence
Current Full UK/EU Photo Card Driving Licence	House or motor insurance certificate
Current state pension book/notification letter	Current state pension book/notification letter
Current Benefits Agency Book/letter	Current Local Authority Rent Card, Rent Book or Tenancy Agreement
Current year's Inland Revenue Tax Code Notification	Bank/Building society/Credit Union Statement or Passbook
	Solicitor's letter confirming completion of house purchase or land registration
	Credit Card Statement

or a combination of these.



NB: There are no rules for this. Use your judgement and if in doubt seek advice from a colleague.

The Tenancy Services Officer must confirm in writing that the identity is proved and the 'Office Use Section' completed. If the person requesting has used the standard letter then the bottom of this letter should be completed. If the subject has written their own letter then the bottom of the Subject Access Request Sheet should be completed instead. Once the identity is proved the papers should be passed to the person who will obtain the print-outs.

The person obtaining the print-outs will print one copy of all the data held about that person and their household. This will include any screen with details in the Tenant's Register or Tenancy Details. Where any information is entered in the form of a code the literal interpretation of the code should be clearly entered next to the code or identified by a key written elsewhere on the print-out.

The print-out should be returned to the Tenancy Services Officer at least one week before the reply is due to be sent. The covering letter (Appendix 3) and the print-outs should be posted to the tenant by recorded delivery within one month of the date of the original request or of proof of identity being determined.

A copy of the letter and the print-outs must be kept for our records. The Tenancy Services Officer files all the papers in the relevant tenant or referral files.

If the request was made by electronic means, the information should be provided electronically unless the data subject agrees otherwise.

Request for correction or deletion of data

Any request for data that is held on our computer files to be corrected or deleted should be made in writing, dated and signed by the person concerned. This letter should be passed to the Tenancy Services Officer as appropriate.

The Tenancy Services Officer will check that the details to be corrected or deleted are those which can be changed. Examples are dates of birth, spellings of names, members of household, etc. Requests cannot be made to change information such as nominating agency, date Notice of Seeking Possession served, etc., unless there has actually been an error on the Association's part.

NB: If a tenant is disputing information held on the rent account it may not be possible to simply do a correction. This should be treated as a normal dispute over the arrears. If any adjustment is made on the Association's part it will show as an adjustment to the tenant's account.

To correct personal data the Tenancy Services Officer will complete the appropriate parts of the Tenants Register Amendment form as appropriate. A print-out should be made.



A second explanatory letter should be completed and photocopied. This should then be sent (Recorded Delivery) to the person requesting the corrections as confirmation that they have been made. The copy of the letter and print-out should be placed in the relevant file.



Appendix 1: Subject Access Request Form



Please complete and return this form to:



Providing Homes, Integrating Communities

Shian Housing Association Ltd 76 Mare Street, Hackney, London E8 3SG Tel: 020 8985 7120
--

Subject Access Request Form

You may use this form if you wish to make a formal request to view personal information held by Shian HA. All day to day enquiries (e.g. maintenance request, tenancy and rent queries) can be handled by Shian HA at the number above.

For further details on making a Subject Access Request, please refer to the additional information on page 3.

Section A: Your Details (person making the request)

Full Name:		Tenancy Ref.:
Address:		
		Postcode:
Tel:	Mobile:	Fax:
Email		
Are you:	A current or former Shian HA resident <input type="checkbox"/>	A current or former staff member <input type="checkbox"/>
	Another individual (please tell us your connection with Shian HA <input type="checkbox"/> _____)	

Section B: The Data Subject

The Data Subject is the person whose personal information you are requesting.

Are you the Data Subject?	Yes (please go to Section C) <input type="checkbox"/>	No (please continue below) <input type="checkbox"/>
---------------------------	---	---

If no, you must enclose written authority from the Data Subject, to show you are acting on their behalf (see page 3). Please also describe your relationship with the Data Subject, which leads you to make a request on their behalf:

Details of the Data Subject (if different to Section A)

Full Name:		Tenancy Ref.:
Address:		
		Postcode:
Tel:	Mobile:	Fax:
Email		
Are you:	A current or former Shian HA resident <input type="checkbox"/>	A current or former staff member <input type="checkbox"/>
	Another individual (please tell us your connection with Shian HA _____) <input type="checkbox"/>	

Section C: Personal Information you are requesting

Please use this section to tell us what personal data you would like to see. 'Personal data' means information relating to the Data Subject as an individual covering things like their tenancy details and rent payments and includes special categories of personal information. It does not routinely cover information relating to maintenance orders or property condition, as these do not usually contain personal data.

Please be specific as this will speed up our response.

--

Please indicate under which service(s) your request falls and what data / documents you would like to see.

Service	Information/documents you would like to request
Lettings and transfers	
Anti-social behaviour	
Collection of rent or service	
Setting of rent or service charge	
Customer relations (a complain you have made)	
Tenancy	
Other (please specify)	

Please indicate under which service(s) your request falls and what data / documents you would like to see.

Note: If CCTV search wanted, please specify date(s), time(s) and location:

--

Section D: Declaration

I certify that the information given on this form is true. I understand that it may be necessary to confirm my/the data Subject's identity and provide more detailed information before disclosing any data.

Signed:	
Name (please print):	Date:

Please return the completed form to: Shian Housing Association Ltd, 76 Mare Street, Hackney, London E8 3SG.

Office Use Only

Request received:
Date Completed:

Notes:

Additional Information

Please note:

Information can only be sent to current Shian HA residents at the listed address.

Non Shian Ha residents and representatives must produce evidence of identity and address before viewing information (Fig 1.0 below).

The requestor will be contacted to discuss what the most suitable option is for viewing data.

Shian HA reserves the right to obscure or suppress information that relates to third parties (under the terms of GDPR).

Personal information collected on this form is required to enable your Subject Access Request to be processed, and will only be used in connection with this request.

Fig 1.0: Table of Acceptable Forms of Identification to Confirm Identity and Address

Personal Identity	Address Verification
Current valid (signed) full UK passport	Recent utility bill – Gas, Electricity, Water, Telephone (Not mobile phones)
Current valid (signed) overseas passport	Mortgage statement or mortgage redemption statement
Current valid EEA member state ID card	Council Tax Bill
Current Residency Permit Issued by Home Office	Current Full UK Driving Licence (paper document)
Current Full UK Driving Licence	Current Full UK/EU Photo Card Driving Licence
Current Full UK/EU Photo Card Driving Licence	House or motor insurance certificate
Current state pension book/notification letter	Current state pension book/notification letter
Current Benefits Agency Book/letter	Current Local Authority Rent Card, Rent Book or Tenancy Agreement
Current year's Inland Revenue Tax Code Notification	Bank/Building society/Credit Union Statement or Passbook
	Solicitor's letter confirming completion of house purchase or land registration
	Credit Card Statement

