



Portsmouth Water
**Subject Access
Request Policy**

Delivering excellence

for our customers, our people and our environment



PURPOSE

This document sets out our policy for responding to subject access requests under the General Data Protection Regulation (GDPR). The GDPR became enforceable on 25 May 2018.

The GDPR explains the rights and responsibilities of those dealing with personal data. All staff have had training on, and are contractually bound to comply with the Regulations and other relevant Portsmouth Water Data Protection policies.

WHAT IS THE GDPR?

The GDPR is Europe's new framework for data protection laws – it replaces the Data Protection Act 1998. There are new rights for individuals to access the information companies' hold about them, obligations for better data management for businesses and a new regime of fines.

WHAT IS PORTSMOUTH WATER'S GENERAL POLICY ON PROVIDING INFORMATION?

We welcome the rights of access to information that are set out in the GDPR. We are committed to operating openly and to meeting all reasonable requests for information that are not subject to specific exemption.

HOW DO YOU MAKE A SUBJECT ACCESS REQUEST?

A subject access request is a written request for personal information (known as personal data) held about you by Portsmouth Water. Generally, you have the right to see what personal information we hold about you, you are entitled to be given a description of the information, what we use it for, who we might pass it onto, and any information we might have about the source of the information. However, this right is subject to certain exemptions that are set out under the GDPR.

To submit a request please write to:

**Compliance Office
Portsmouth Water Ltd
Po Box 8
West Street
Havant
Hampshire
PO9 1LG**

Alternatively please email dataprotection@portsmouthwater.co.uk.

WHAT IS PERSONAL INFORMATION?

Personal data is information that relates to a living individual.

Further information on what amounts to personal data can be found in Appendix A.



WHAT DO WE DO WHEN WE RECEIVE A SUBJECT ACCESS REQUEST?

1) Checking of Identity

We will first check that we have enough information to be sure of your identity.

Often we will have no reason to doubt a person's identity, for example, if we have regularly corresponded with them. However, if we cannot be sure of your identity we can ask you to provide any evidence we reasonably need to confirm this, for example copy photo identification or a copy of a utility bill. Any copy documentation will be reviewed and securely deleted/shredded immediately and will not be held or stored on our records.

If the person requesting the information is a relative/representative of the individual concerned, then the relative/representative is entitled to personal data about themselves but must supply the individual's consent for the release of their personal data. If you have been appointed to act for someone, you must confirm your capacity to act on their behalf and explain how you are entitled to access their information, providing the relevant documentation as evidence of your authority.

If you are the parent/guardian of a child under 16, we will need to consider whether the child can provide their consent to you acting on their behalf.

Should you make a data subject access request but you are not the data subject, you must stipulate the basis under the GDPR that you consider makes you entitled to the information.

2) Collation of Information

We will check that we have enough information to find the records you requested. If we feel we need more information, then we will promptly ask you for this. We will gather any manual or electronically held information (including emails) and identify any information provided by a third party or which identifies a third party. This includes records created before 25 May 2018.

If we have identified information that relates to third parties, we will write to them asking whether there is any reason why this information should not be disclosed. We do not have to supply the information to you unless the other party has provided their consent or it is reasonable to do so without their consent. If the third party objects to the information being disclosed we may seek legal advice on what action we should take.

Before sharing any information that relates to third parties, we will, where possible, anonymise information that identifies third parties not already known to the individual (e.g. Portsmouth Water employees), and edit information that might affect another party's privacy. We may also summarise information rather than provide a copy of the whole document. Data Protection Legislation requires us to provide information not documents.

3) Issuing our Response

Once any queries around the information requested have been resolved, copies of the information in a permanent form will be sent to you except where you agree, where it is impossible, or where it would involve undue effort. In these cases, an alternative would be to allow you to view the information on screen at Portsmouth Water.

We will explain any complex terms or abbreviations contained within the information when it is shared with you. Unless specified otherwise, we will also provide a copy of any information that you have seen before.



WILL WE CHARGE A FEE?

No, the information requested will be free of charge.

WHAT IS THE TIMEFRAME FOR RESPONDING TO SUBJECT ACCESS REQUESTS?

We have one calendar month starting from when we have received all the information necessary to identify you, to identify the information requested, to provide you with the information or to provide an explanation about why we are unable to provide the information. In many cases, it will be possible to respond in advance of the 30 calendar day target and we will aim to do so where possible.

If the information required is of a complex nature, or has numerous requests, a time extension of a further two months to respond, providing an explanation for the delay is given within one month, can be granted.

ARE THERE ANY GROUNDS WE CAN RELY ON FOR NOT COMPLYING WITH A SUBJECT ACCESS REQUEST?

1) Previous Request

If you have made a previous subject access request we must respond if a reasonable interval has elapsed since the previous request. A reasonable interval will be determined upon the nature of the information, the time that has elapsed, and the number of changes that have occurred to the information since the last request.

2) Exemptions

The GDPR contains a number of exemptions to our duty to disclose personal data and we may seek legal advice if we consider that they might apply. Possible exemptions would be:

- where the personal data processed is to exercise the right of freedom of expression and information;
- to comply with a legal obligation;
- for public health purposes in the public interest.

WHAT IF YOU IDENTIFY AN ERROR IN OUR RECORDS?

If we agree that the information is inaccurate we will correct it and, where practicable, destroy the inaccurate information. We will consider informing any relevant third party of the correction. If we do not agree or feel unable to decide whether the information is inaccurate, we will make a note of the alleged error and keep this on file.

WHAT IF YOU WANT THE PORTSMOUTH WATER TO STOP PROCESSING YOUR DATA?

Under the GDPR you have the right to be forgotten (also known as 'The Right to Erasure'). You can request deletion or removal of personal data where there is no good reason for us to continue to hold the data. The GDPR also provides grounds for refusing a request for erasure.



OUR COMPLAINTS PROCEDURE

If you are not satisfied by our actions, you can seek recourse through our internal complaints procedure, the Information Commissioner or the courts.

The Compliance Officer will deal with any written complaint about the way a request has been handled and about what information has been disclosed. The Compliance Officer can be contacted at:

Portsmouth Water Ltd
Po Box 8
West Street
Havant
Hampshire
PO9 1LG

If you remain dissatisfied, you have the right to refer the matter to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: **0303 123 1113** (local rate) or **01625 545 745** if you prefer to use a national rate number.

Fax: **01625 524 510**

Email: **enquiries@ico.gsi.gov.uk**



APPENDIX A

Personal data is information that relates to a living individual who can be identified from the information and which affects the privacy of that individual, either in a personal or professional capacity. Any expression of opinion about the individual or any indication of the intentions of any person in respect of the individual will be personal data.

Provided the information in question can be linked to an identifiable individual, the following are examples of personal data:

- customers name, addresses, emails and contact information as well as date of births and national insurance numbers;
- an individual's salary or other financial information;
- information about an individual's family life or personal circumstances, employment or personal circumstances;
- Special Category Data – an individual's racial or ethnic origin, religious beliefs, physical or mental health, medical conditions, criminal record and membership of a trade union.

The following are examples of information, which will not normally be personal data:

- mere reference to a person's name, where the name is not associated with any other personal information;
- incidental reference in the minutes of a business meeting of an individual's attendance at that meeting in an official capacity;
- where an individual's name/s appear on a document or email indicating only that it has been sent or copied to that particular individual;
- the content of that document or email does not amount to personal data about the individual unless there is other information about the individual in it.

If a document has been sent to a third party, that contains information about an individual, which relates to their personal or professional life, it is personal data.

Further information can be found here:

<https://ico.org.uk/media/for-organisations/documents/1554/determining-what-is-personal-data.pdf>

