



| Data Subjects' Rights Procedure |                                     |                            |               |
|---------------------------------|-------------------------------------|----------------------------|---------------|
| <b>Status:</b>                  | Final approved                      | <b>Version:</b>            | V1            |
| <b>Audience:</b>                | ADCH Trustees, Volunteers and Staff |                            |               |
| <b>Owner:</b>                   | Data Protection Officer             | <b>Author:</b>             | Thérèse Carr  |
| <b>Date Approved:</b>           | 10 July 2023                        | <b>Next Revision Date:</b> | 1 August 2024 |

## 1.0 Introduction

Association of Dogs and Cats Homes (ADCH) is responsible for ensuring it complies with all aspects of data protection law, including in respect of Data Subject rights. Individuals, known as Data Subjects, have several specific rights under data protection legislation which have to be managed within tight timeframes. This procedure provides ADCH with a robust and systematic process for completing those rights when exercised.

## 2.0 Procedure Statement

ADCH is committed to ensuring that the rights of Data Subjects are upheld at all times by:

- Providing information to the Data Subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language;
- Acting on a request from a Data Subject (unless we are unable to establish their identity, in which case we will seek to clarify their identity);
- Responding by email unless the person requests otherwise or does not have an email address;
- Informing Data Subjects without delay if we cannot comply with a request stating the reason(s) and informing them of their rights; and
- Addressing requests free of charge, unless requests are “manifestly unfounded or excessive” in which case a reasonable fee applies.

## 3.0 Purpose and Scope

The aim of this procedure is to set a clear process of addressing and completing any Data Subject requests received.

This procedure applies to all employees and volunteers and any other person, including ADCH's service providers and suppliers, who receive a Data Subject request on behalf of ADCH.

## 4.0 Roles and Responsibilities

## **4.1 Governance Committee**

Should any Data Subject request be contentious or pose a threat to the reputation of ADCH and/or could lead to regulatory action, the Data Protection Officer will escalate the matter to the Chair of this Committee, to take the necessary steps to ensure that ADCH's interests are balanced with the rights of the Data Subject concerned.

## **4.2 Data Protection Officer (DPO)**

The daily management and responding to personal data requests will be managed by the DPO. If a request needs to be escalated, this will be reported to the Chair of the Governance Committee.

## **4.3 Employees, contractors and volunteers**

Immediately on becoming aware of or being sent a Data Subject request (from a data Subject, third party or ADCH supplier or service provider), it must be sent to the DPO.

## **5.0 What are the data subject's rights?**

Data Subjects Rights are specific rights that all individuals are entitled to exercise when organisations process their data. However, while some rights are 'absolute rights' that we must honour, in some circumstances we are not always able to action an individual's request, as there may be an overriding legal obligation preventing us from doing so. One example of this, is if someone exercises their right of erasure, essentially asking us to delete all trace of them across all ADCH systems – we are not able to do this if they have made a financial donation recently, as we are legally required to maintain records relating to financial data. The rights, and the limitations we may have in exercising them, are summarised below:

### **Right to be informed**

This is something that we action every time we collect personal data through our Privacy Policy. All forms that collect personal data must provide information to the person completing the form informing them what we will use their data for and linking to our privacy policy for details. We should also be able to answer questions about how and why we process data at any time we are asked by an individual.

### **Right of Access**

Also known as a 'Subject Access Request' this entitles the individual to a copy of all the data we hold on them, including any paper notes we have made identifying the individual, or comments we have recorded on their record, as well as emails that contain their personal data. However, we must be sure to ensure the privacy of any other personal details relating to other people that may also appear on the individuals records, and ensure this information is removed before completing the request.

### **Right to rectification**

This allows people to correct any information that we hold about them that is in error or out of date. Every time someone notifies us of a change of address or tells us that we have spelt their name wrong, they are technically exercising their right to rectification.

### **Right to erasure**

Also known as the 'right to be forgotten' this enables individuals to request we delete all the information we hold about them. There are limitations to this, as we may have overriding legal or contractual reasons to keep the data.

#### **Right to restrict processing**

This right allows the individual to ask us to restrict processing their information if, for example, there is an accuracy concern (so it may also be exercised along with a rectification request), or to prevent the data from being deleted if there is a legal claim.

#### **Right to data portability**

This provides individuals with the ability to have their data 'ported' from one organisation to another or sent to them in a format that is commonly used so that the individual can then pass it to another organisation. There are limitations on when this is possible.

#### **Right to object**

In some cases, individuals can object to their data being processed, often when the processing is being carried out on the basis of legitimate interest. When processing is being done for Direct Marketing purposes, an objection is an absolute right, and must always be completed, regardless of situation, individual or relationship to ADCH.

#### **Right not to be subject to a decision based solely on automated processing, including profiling.**

Similar to the right to object, individuals can exercise the right not to have decisions made about them that have "legal effects concerning him or her or similarly significant legal affects" from solely automated decision-making processes.

## **6.0 Procedure**

### **6.1 What to do if you receive a request**

An individual can make their request verbally or in writing, and to anyone at ADCH (including via social media channels), and a request does not have to include the exact wording from data protection legislation (such as 'subject access request', 'data subject erasure request' or 'data rights request').

If you receive a request by email this can be forwarded directly to the DPO. If you speak to the person directly, then the key things to capture are:

- The date the initial request came in;
- Details of their relationship with ADCH if possible (such as, do they work for a member organisation);
- Not to confirm any course of action, but to advise that the DPO will be in touch directly; and
- To forward the request to the DPO as soon as possible
- If you receive a request in the post, remember to retain the envelope including the stamped date or receipt, as this will need to be recorded.

### **6.2 Process for different types of requests**

In all cases, Data Subjects requests need to be sent to the DPO to record. However, there are some situations where the DPO will not be managing the request.

#### **Internal Subject Access Requests**

While this will still need to be logged on the register maintained by the DPO, any Subject Access Request made by a member of staff will be collated by the Battersea HR team. The Battersea HR team may consult the DPO during this process as required.

### Object to direct marketing requests

The right to object includes an absolute right to object to Direct Marketing. This means that whoever requests it and regardless of the nature of their relationship with ADCH, we must action the request. This could be a general 'suppression' of all marketing, or a specific objection to certain channels, such as post or emails. These requests are primarily managed by the ADCH Administrator, but the DPO can also directly update suppressions where necessary.

All other types of Data Subject requests will be handled by the DPO, bringing in certain other roles depending on the type of request, and nature of the individual's relationship to ADCH.

## 6.3 Stages of completing data subject requests

| Step                          | Description  | SLA from date of receipt      |
|-------------------------------|--|-------------------------------|
| Data subject request received | The individual submits a request via one of a number of methods, including electronically (via email or via our website), by letter or on the telephone.<br><br>Requests may be received by any part of the organisation but should be forwarded to the DPO, along with the date they were received, as quickly as possible to prevent delays  | N/A                           |
| Log data subject request      | The DPO will log that the request has been received  | 1 working day                 |
| Assign request                | If the request is an HR subject Access Request, the DPO will assign accordingly.   | 1 working day                 |
| Compile requested information | <b>The relevant information is compiled according to the type of request.</b><br><br><b>1. Deletion/erasure of personal data</b><br><br>The DPO will determine whether or not the data can be deleted and takes action where possible.<br><br><b>2. Access to personal data</b><br><br>The DPO or Battersea HR Team compile the data from relevant systems.<br><br>Review the records compiled and ensure none contain confidential information.<br><br><b>3. Rectification of personal data</b> | 5 working days<br><br>3 weeks |

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|--|---|--------------------|
|  | <p>The request is reviewed by the DPO and sends to the appropriate staff member to action.<br/>Individual staff member actions the request by updating appropriate system(s) and confirming to the DPO that the action has been taken.</p> <p>Other types of requests will be managed by the DPO as needed.</p> | 5 working days     |
| Provide response/requested information | The DPO or HR lead (if an internal subject access request) will confirm actions taken/ provide the information requested to the data subject electronically, if that is the preferred method, or via other means if necessary.  | One calendar month |
| Close data subject request             | The DPO will ensure all records are filed and that the log is updated with the closed date.   | One calendar month |

#### 6.4 Monitoring and reporting

The DPO will maintain a central log of all requests, reviewing the log regularly for any patterns and to ensure all requests are being completed in a timely fashion.

#### 7.0 Version History

| Version | Changes Made       | Date       | Made by      |
|---------|--------------------|------------|--------------|
| V.1.0   | Procedure created. | 23/06/2023 | Thérèse Carr |
|         |                    |            |              |
|         |                    |            |              |