



POLICY FOR DEALING WITH INDIVIDUAL RIGHTS REQUESTS UNDER UK GDPR

January 2023

1. PURPOSE

This document provides information for residents and service users on the procedures under which the Council, in its capacity as a data controller, deals with the eight individual rights of data subjects set out in the UK General Data Protection Regulation 2016/679 (UK GDPR). It outlines the main elements of each of the individual rights and, at Section 4, the process by which the Council deals with them.

2. OVERVIEW

The Council needs to collect personal information about people with whom it deals to carry out its business and provide its services. Such people, known as data subjects, include residents, service users, employees (present, past and prospective), suppliers and other business contacts. In all its dealings the Council will have regard to the current Data Protection legislation (including but not limited to the UK GDPR and the Data Protection Act 2018) and the common law duty of confidentiality.

The UK GDPR makes provision for the rights of data subjects to control how their personal information is collected and processed and places a range of obligations on Councils to be more accountable for data protection. Information on these rights is set out in the Council's Privacy Notice. More information on each of those rights, and how they will be handled, follows.

3. THE INDIVIDUAL RIGHTS

A key focus of the UK GDPR is the emphasis on the fundamental rights and freedoms of individuals in respect of the way that those who control their personal data (data controllers) and those who process it (data processors) deal with their personal data. It gives data subjects the following rights:

- Right to be informed
- Right of access
- Right to rectification
- Right to erasure
- Right to restrict processing
- Right to data portability
- Right to object
- Rights related to automated decision-making, including profiling.

The following paragraphs provide further information on each of the rights. An overview of the procedure for submitting requests is set out in Section 4.

a. The right to be informed

This right is about the collection of data subject's personal data and how it will be used. Data subjects have the right to be provided with information on the purpose for which their personal data is being processed, how long it will be retained and with whom it may be shared. The Information Commissioner's Office (the ICO) refers to this as privacy information. Privacy information is also referred to in general as a Privacy Notice. Privacy information must be provided at the point of collection of information. This is best done by directing data subjects to the respective Council's corporate Privacy Notice and/or, where appropriate, relevant Departmental Privacy Notice. The Council's Corporate Privacy Notice is here: [Wandsworth Council privacy notice - Wandsworth Borough Council](#)

Where personal data is collected from someone other than the data controller the Council must inform the data subject within a reasonable time, and at least within one month. There are exemptions if the data subject already has the information, or if it would be disproportionate to provide the information to them.

b. Right of access (Subject Access Requests)

As a data subject you have a right of access to your personal data. Making a request for personal data is known as a Subject Access Request (SAR). An application can be made orally or in writing. If the request is considered to be what is called manifestly unfounded or excessive, an exemption applies. A fee is not generally required from the data subject but if the request is determined to be manifestly unreasonable or excessive, a reasonable fee can be charged, or the request can be refused. Whilst requests should be submitted initially to the Data Protection Officer, the relevant service area will be responsible for collating the data, redacting any third-party personal data and making the SAR disclosure to the data subject.

More detailed information on how to make a Subject Access Request can be found here: [Accessing your personal information \(Subject Access Request\) - Wandsworth Borough Council](#)

c. The Right to rectification

A data subject has the right to have inaccurate personal data corrected or to have incomplete data completed. Rectification can be requested orally or in writing. A fee is not required from the data subject. There are some grounds for refusal of a request for rectification, for example where the request is manifestly unfounded or excessive, the Council can either charge a reasonable fee or refuse to deal with the request. In relation to data that records a disputed opinion further advice can be sought the ICO's website here: [Information Commissioner's Office \(ICO\)](#)

d. The Right to erasure (also known as the Right to be forgotten)

A data subject has the right to request erasure of their personal data. The right of erasure is more popularly known as the right to be forgotten. This right can be exercised in a verbal or as a written request. The right is qualified as there are some circumstances where not erasing the data is permitted. There are also some grounds for refusal of a request for erasure; for example, where the request is manifestly

unfounded or excessive, the Council can either charge a reasonable fee or refuse to deal with the request.

e. The Right to restrict processing

A data subject has the right to request both the restriction and suppression of their personal data. This is a qualified right, meaning there are circumstances where the Council as data controller does not have to comply. Where processing is restricted in response to such a request the data processor is still permitted to store the personal data, but not use it. Requests to restrict data processing can be made orally or in writing.

There are some grounds for refusal of a request to restrict processing; for example, where the request is considered to be manifestly unfounded or excessive, the Council can either charge a reasonable fee or refuse to deal with the request.

More details on right to restriction requests and how to make such a request can be found here: [Request restriction of personal data - Wandsworth Borough Council](#).

f. The Right to data portability

This right allows individuals to obtain and re use their personal data for their own purposes across a range of services. It permits the transportation or copying of personal data from one IT system to another safely and securely, without impacting on the integrity of the data re-usability. The right is confined to information the data subject has provided to the data controller. The right to data portability only applies when the lawful basis for processing the personal data is consent or for the performance of a contract and where the Council is carrying out the processing by automated means (i.e., excluding paper files). In most cases the Council cannot charge a fee to comply with a request for data portability. However, as noted above, if the request is manifestly unfounded or excessive it may charge a “reasonable fee” for the administrative costs of complying with the request; or refuse to deal with it.

g. The Right to object

The UK GDPR provides the data subject with the right to object to their personal data being processed in certain circumstances. Individuals can impose an absolute right to prevent their personal data being used for direct marketing purposes. In other cases, if the Council can show a compelling reason for doing so, it can continue processing the data subject’s personal data. Data subjects must be informed that they have a right to object. The right to object can be made orally or in writing. A fee is not required. However, where the request is considered to be manifestly unfounded or excessive the Council may charge a “reasonable fee” for the administrative costs of complying with the request or refuse to deal it.

h. Rights related to automated individual decision-making including profiling

This right protects data subjects if a data controller is carrying out solely automated decision making (making a decision without any human involvement) that will have a legal or significant effect on them. This right also protects data subjects from profiling (automated processing of personal data to evaluate certain things about an individual).

The Council can only carry out this type of decision-making where the decision is necessary for the entry into or performance of a contract; or authorised by domestic law applicable to the controller; or based on the individual's explicit consent.

The Council must identify whether any of its processing falls under Article 22 of the UK GDPR and, if so, make sure that it: gives the data subject information about the processing; introduce simple ways for them to request human intervention or challenge a decision and request a review of a decision; and carry out regular checks to make sure that the systems are working as intended.

Should you wish to raise concerns about automated decision making, or challenge a decision made via automated decision making, please contact the Data Protection Officer at dpo@richmondandwandsworth.gov.uk.

4. PROCESSING OF INDIVIDUAL REQUESTS

Requests in relation to any of the individual rights described in paragraphs 3 b to h above should be submitted to the Data Protection Officer at dpo@richmondandwandsworth.gov.uk who can also provide more information about the process.

Timescale for Response

Generally, there is a period of one calendar month for individual requests to be dealt with but, in most instances, there is scope for an extension of time for a further two months if the request is complex or there have been several requests from the individual. If an extension of time is to be applied, you should be advised within one month of the Council receiving the request and be told why the extension is necessary.

Fees

There is no provision for charging a fee for meeting any of the above requests but, in some circumstances, except for a) and h) above, the Council may charge a "reasonable fee" for the administrative costs of complying with the request or where it considers that the request is either manifestly excessive or manifestly unfounded. For advice on this please contact the DPO@richmondandwandsworth.gov.uk

5. POLICY REVIEW

This policy will be reviewed every two years or more frequently in the event of significant legislative change.

6. FURTHER ADVICE

Further advice on any of the foregoing can be obtained from the: [Information Commissioner's Office \(ICO\)](#)

Data Protection Officer

January 2023

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If this document is in printed format it may not be the current version.

Document Control

This document should be reviewed annually by the document owner and a note made to this effect in the table below

Change Control Table

Version	Description	Who By	Release Date
1	Original Policy	IG Manager	January 2023