

Internal review procedure for Subject Access Requests (SAR's)

The data protection legislation provides you with a right of access to obtain copies of your personal data which are held by Herefordshire Council. This is known as a subject access request (SAR).

The council makes every effort to ensure that SAR's are answered promptly and professionally. However, if you are not satisfied, you have the right to complain about the response that you have received or the way we have handled your request.

Neither the UK General Data Protection Regulations (UK GDPR) or the Data Protection Act 2018 require us to offer a specific internal review process for SAR's. However, we have adopted an internal review procedure for SAR's based on the procedure in place for reviews into other information requests, such as those made under the Freedom of Information Act or Environmental Information Regulations.

In this procedure, 'complaint' refers to an expression of dissatisfaction with Herefordshire Council's compliance with data protection legislation, or a request for a review into the way we have handled your request or the outcome of your request to access your personal data.

What can I request a review about?

Complain about the way we have handled your request:	<p>Our failure to respond within the timescales set out in our acknowledgement letter / email.</p> <p>We did not properly explain reasons for refusing the request or correctly apply an exemption i.e. we refused to disclose information for the wrong reason.</p>
Complain about our decision to:	<p>Refuse access to information, withholding some, or all of the information requested.</p> <p>Redact information.</p> <p>Issue a charging notice for paper copies of a response which has already been provided to you previously.</p>

How can I request a review?

You must put your request in writing. Please send this to:

Information Governance Team
Herefordshire Council
Plough Lane
Hereford
HR4 0LE

Email: informationgovernance@herefordshire.gov.uk

Your request should be made within 40 working days after receipt of our initial response. We are not obliged to accept an internal review request after this date and unless there are extenuating circumstances, requests made more than 40 working days after the response will not be considered.

Please explain clearly, with as much detail as possible, what you are disputing about the original decision reached in response to your SAR, or why you are dissatisfied with the handling of your request. If you think personal information is missing from the response that was provided to you, please let us know what other information you think we also have. This will help us to review our records.

The internal review process can only review and consider the scope of the original SAR which was made to us. If you wish to make amendments to the scope or ask for additional information, a further SAR should be made to Herefordshire Council.

What happens next?

- Your request for a review of our response will be considered free of charge.
- It will be acknowledged promptly, usually within 5 working days of receipt.
- Our acknowledgement letter will confirm the target date for a response.
- In the event that clarification is required from you e.g. it is not clear what you are dissatisfied with in particular, the response period will not begin until clarification is received.
- Once an internal review request is accepted as valid, the council will aim to respond within 30 days from the day after the internal review request was received. It should be noted that this timeframe is not a legislative requirement, and we may need additional time to complete the internal review. We will contact you to inform you if that is the case, and will confirm what date you will receive a response by.
- Reviews will be dealt with in a fair, through and impartial manner. As such the review will be carried out by a member of the Information Governance team who did not deal with your original request.

- The review will take a fresh look at the SAR. It will re-evaluate the handling of the original request reviewing decisions made regarding what information would be disclosed, and particular attention will be paid to any concerns raised by you. As part of this process, the reviewing officer may need to consult with the original responding officer to build a full picture as to how and why previous decisions were made. However, the reviewing officer is not bound by any views expressed by those who dealt with the original request, the views will simply be treated as background information rather than a suggestion as to how to handle the review.
- The reviewing officer will make a decision about the validity of any exemptions applied. Different or additional exemptions may also be applied on review. A response, in writing, will be provided to let you know the outcome of the review, giving a full explanation of the decision reached.

Possible Outcome	Action that will be taken
Information that was previously withheld should be disclosed	The information in question will be provided, usually at the same time as the review decision, or, if that is not possible, you will be informed how soon this will be provided.
Further information is identified which was not considered as part of the original response	This will be provided to you, or, if any exemptions apply this will be explained to you and the information redacted / withheld accordingly.
Procedures have not been properly followed by Herefordshire Council	Complaint upheld and an apology will be offered. Appropriate steps will be taken to learn lessons and prevent similar issues occurring in future.
The initial decision to withhold information is Upheld, or otherwise, in Herefordshire Council's favour.	You will be informed of the decision and the reasons for this.

- Please note that abuse of the review procedure, such as repeated requests for review following every request made, may be treated as vexatious under the council's unreasonable behaviour policy.

What can I do if I am not satisfied with the response?

You have the right to appeal to the Information Commissioner's Office (ICO) and ask them to review our responses. The ICO are the UK's independent body that oversees information rights including those set out in the data protection legislation.

The ICO can be contacted as follows:

[Information Commissioner's Office](#)

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

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[ICO complaints portal](#)

Telephone: 0303 123 1113

What can I do if I think the information is wrong?

If you think the information we hold is incorrect, please contact us in writing and ask us to review the data. Further information on your [data rights](#) can be found on the council's website.

Review

This procedure will be reviewed as deemed appropriate by the Information Governance Team but no less frequently than every 2 years.