

NPCC Data Subjects Rights Process

as managed by the National Police FOI & Data Protection Unit (NPFDU)

Introduction

This document sets out the process by which the NPFDU manages Data Subjects Rights Applications (made under Data Protection legislation¹) concerning the processing of personal data by the NPCC.

It formalises a process that by August 2021 had been in place for several years.

The document has been jointly agreed by the NPCC DPO and the NPFDU Manager.

The document covers the rights listed below but for brevity, only the process for the Right of Access² is set out overleaf – the other rights are managed generally in the same way with minor variations where necessary and agreed by the NPCC Data Protection Officer and NPFDU Data Protection Advisor.

Rights under the Data Protection Act 2018

- DPA Right to be Informed
- DPA Right of Access
- DPA Right to Rectification
- DPA Right to Erasure or Restriction of processing
- DPA Rights relating to Automated Decision-Making
- DPA Exercise of Rights through the Information Commissioner's Office

Rights under the UK GDPR

- UK GDPR Right to be Informed
- UK GDPR Right of Access
- UK GDPR Right to Rectification
- UK GDPR Right to Erasure ('Right to be Forgotten')
- UK GDPR Right to Restriction of Processing
- UK GDPR Right to Data Portability
- UK GDPR Right to Object
- UK GDPR Right not to be subject to Automated Decision-Making

¹ [Data Protection Act 2018](#) and [UK General Data Protection Regulation](#)

² To date the only applications requiring action by the NPFDU on behalf of the NPCC have been Rights of Access applications.

Right of Access Process

Step 1 – Receipt and Validation of New Request

- a) Request for personal information received by NPCC forwarded to NPFDU Data Protection Advisor for processing via npcc.data.protection@npfdu.police.uk
- b) Identity and entitlement to information verified?
 - No – Use all reasonable measures to be sure that the person making the request is entitled to the information
 - For their own information – this may mean asking for documents to verify their identity (e.g. photo id and proof of address)
 - For another person’s information – this may mean asking for documents proving their relationship or claim (e.g. Power of Attorney)
 - If they’re acting on another person’s behalf – this may mean gaining any necessary consent from the data subject for them to act on their behalf
 - Yes – move to c)
- c) Is the information being requested clear?
 - No – Request further clarification from the data subject to specify the information to which the request relates. This can be clarified via email or using a RoA Request form. The data subject doesn’t have to use the form, but it can help clarify what they are referring to in their request and help you locate it within the organisation
 - Yes – move to d)
- d) Identify and entitlement to information verified. Request parameters clarified
 - Request is now valid – statutory timescale starts

Step 2 – Acknowledgement of Request

- a) Request logged by NPFDU DPA
 - Log request on NPFDU DP Activity tracker and allocate reference number
 - Save correspondence and request info in new folder for the request
- b) Work out statutory timescale
 - Requests should be processed without undue delay
 - Record deadline – 30 days from date that the request was validated
 - In some cases where the request is deemed complex and the information is not law enforcement data, the timescale can be extended for a further 60 days – if this is the case, justification should be recorded and the data subject informed within the first 30 days
- c) Request Acknowledged
 - Send acknowledgement (in writing) to the data subject in the manner they made the request (via email/letter)
 - Inform them of the deadline within which we have to respond (statutory timescale)
 - Confirm how they would like to receive their information (paper/electronically)
 - Record on DP Activity tracker and save copy of correspondence in folder

Step 3 – Collate Information via ‘Reasonable Searches’ of NPCC data

- a) Request sent to NPCC Strategic Hub and relevant national unit(s)
 - Send formal ‘request for information’ to NPCC Strategic Hub and relevant unit(s)
 - Timescale for response should be one week before deadline to give time to process/prepare for release
- b) Information requested is collated by unit(s)
- c) Information collated sent to NPFDU DPA for further processing

Step 4 – Information is Reviewed by NPFDU

- a) Is further information needed from Unit to aid application of exemptions?
 - Yes – discuss further with Unit and provide appropriate advice
 - No – move to b)
- b) Redaction Rationale
 - Consider any redactions needed or exemptions to be applied
 - Justification for all redaction/exemptions to be recorded with decision making as part of redaction rationale
 - Save redaction rationale in DP Activity folder
- c) Request authorised for release
 - Redacted information sent to nominated Manager from relevant Unit to authorise release within 2 days
 - Record on SAR tracker and save authorisation in SAR folder
 - Once authorisation received, redactions are applied and the information prepared for release
- d) Final preparation for release by NPFDU DPA
 - All documents for release will be marked ‘data subject’s copy’
 - Documents will be prepared electronically in pdf with hidden metadata removed using redaction software
 - If being sent by hard copy, documents will be printed and double enveloped

Step 5 – Complete Request and Respond to Data Subject

- a) Request complete and closed
 - NPFDU DPA signs off request as complete and ready for release
 - Closure letter drafted to accompany information, including reasons for any exemptions/restrictions applied – wording re s45(6)/NCND also added as standard
 - Privacy information and right to appeal details (via Internal Review and via ICO) enclosed in closure letter
 - Save copy of letter in DP Activity folder
- b) Information sent to requester
 - Information sent securely via means agreed by the requester:
 - Electronically – email via secure means

- Hard copy – posted and tracked via Royal Mail Special Delivery Service
- Proof of delivery/delivery or read receipt saved in DP Activity folder
- Record successful delivery and closure on DP Activity tracker

Step 6 – Internal Review Process

- a) Request for Internal Review received within two months of closure
 - Acknowledgement sent to data subject with timescale of when Internal Review will be carried out (20 working days from receipt of request)
 - Record on DP Activity tracker and save correspondence in relevant folder
- b) Initial discussion (within 5 days)
 - Informal meeting between NPFDU DPA and relevant Unit lead to discuss review and establish options for quick resolution
- c) Quick resolution possible and agreed?
 - Yes – move to e)
 - No – move to d)
- d) Formal Review Meeting (within 15 days)
 - NPFDU DPA arranges a ‘formal review meeting’ between NPCC DPO, relevant Unit lead and NPFDU DPA to review request
 - Notes from ‘formal review meeting’ with key discussion points and actions recorded
- e) Internal Review closed
 - Inform requester of review outcome (in writing) and provide any further information that was agreed to be released, if relevant
 - Inform requester of right to appeal to ICO and provide ICO contact details
 - Internal Review closed and decision making process recorded in folder

Miscellaneous

The NPFDU Data Protection Advisor provides a monthly report to the NPCC DPO which details numbers of applications received under each right, the number processed within and beyond the statutory time periods, and any other information necessary to show the effectiveness of this arrangement.

This document forms part of a range of documents intended to demonstrate the NPCC’s Accountability as per [UK GDPR Article 4\(4\)](#) and [Data Protection Act 2018 Section 34\(3\)](#). It will be updated as the requirement arises and, in any case, will be reviewed at least annually from the date of issue.

Any enquiries regarding this document should be directed to the NPCC Data Protection Officer or the NPFDU Data Protection Advisor.

Approved by Colin Ley-Smith (NPFDU) and Andy Begent (NPCC)

Date of Issue: 1st September 2021.