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Introduction

- 1.1 This Policy provides guidance on circumstances where an individual, or authorised representative acting on behalf of that individual, makes a request to exercise their rights under all applicable data protection legislation.
- 1.2 It sets out the responsibilities of UK Sport (UKS) and its staff in responding to such requests.
- 1.3 Under Chapter 3 of the UK GDPR, an individual (Data Subject) has eight rights:
 - a) Right to be informed
 - b) Right of access (right to make a 'subject access request')
 - c) Right to rectification
 - d) Right to erasure
 - e) Right to restrict processing
 - f) Right to data portability
 - g) Right to object
 - h) Rights in relation to automated decision making including profiling
- 1.4 These rights are explained on [the ICO's website here](#) and in Appendix B.

Aims and Objectives

- 2.1 The UKS must ensure that it responds to all requests from individuals who wish to exercise their rights under the DPA, and UK GDPR.
- 2.2 Therefore, the key objective of this Policy is to provide a framework for UKS staff to follow when receiving a request so that all requests are identified and processed correctly.
- 2.3 A specific aim is to recognise a request for personal data then escalate requests promptly so that they are all completed **within one calendar month**, which is the timescale applicable under Article 15 of the UK GDPR.
- 2.4 It is envisaged that this Policy, along with training and awareness, will assist UKS in securing compliance with such legal and regulatory requirements outlined above.

Scope

- 3.1 This Policy applies to all UKS staff members receiving a request from any individual whose personal data is processed by UKS.

Identifying a Valid Request

- 4.1 UKS staff may receive a variety of requests for data. The DPO is responsible for identifying those which meet the requirements of a formal request to exercise an individual right under the DPA (a 'valid request').

An 'informal request' which is not a 'qualifying request' should be managed under different arrangements, and treated as normal course of business request, where appropriate. Guidance on distinguishing between a 'qualifying request' and an 'informal request' and how to respond is available in Appendix A to this policy.

4.2 A request may come from a variety of sources. If the request is not made through formal channels, it should not be ignored but advice should be given to the requestor.

4.3 A request may be made:

- verbally (by telephone or in person)
- in writing to a staff member or UKS address (by text, email, letter or fax).

4.4 The most common request is likely to explicitly state the individual wants copies of personal information, but a request does not have to include the phrase 'subject access request', 'Data Protection' or 'GDPR'; as long as it is clear that the individual is asking for their own personal data.

4.5 This presents a challenge, particularly with respect to verbal requests therefore you should keep a written note of any verbal requests received and report it to the legal team (legal@uksport.gov.uk) as soon as you receive it.

Roles and Responsibilities

5.1 The Data Protection Officer (DPO) is responsible for ensuring that this policy is communicated to and understood by UKS staff, for the management of valid requests, and for updating this policy as required.

5.2 UKS staff must be able to identify a SAR and immediately escalate it to the DPO.

5.3 The DPO will confirm if a request that falls within the remit of the legislation.

5.4 The DPO will coordinate, or nominate a coordinator for, the response and may need to engage several members of staff, as appropriate to the request, to provide the information or perform the actions requested.

5.5 The DPO will be responsible for reviewing the response and ensuring the response is completed within the relevant timescales (one month for subject access requests). The DPO will remove or redact any data which is exempt from disclosure, such as the identification of other individuals.

Responding to a Request

6.1 Under the UK GDPR, organisations must be able to demonstrate compliance with the requirements of UK GDPR through their documented business processes and evidenced audit trails. Accurate note taking and record keeping are essential to this process. Data controllers should maintain records of their responses to data subject requests. Records should contain both the nature of every request - for example, to view or rectify personal data—and their resolution.

- 6.2 Recording and tracking a request: the DPO will maintain a Request Log to track progress and the log will be stored on UKS Data Protection Sharepoint page will be updated by the DPO with access by Legal.
- 6.3 Business Process: all requests should be passed to the DPO, who will log the request, and create a folder to store records of correspondence; when all the information is ready and confirmed it may be sent to the Requestor in an encrypted electronic format.
- 6.4 Reporting on requests: the DPO will report on all requests at regular intervals to senior management team and summaries shall be reported to the joint audit committee.

Training of staff

- 7.1 All staff –Data Protection Training includes how to identify and respond to a request.

Next Review

- 8.1 The next review of this policy is scheduled for May 2025 – where any feedback from the use of this version can be taken into consideration.

APPENDIX A - FAQs

Each of the following questions and guidance underneath is intended to provide answers to frequently asked questions.

A. How do I know if we are “processing” somebody’s personal data?

“Processing” is a very broad term and, in relation to information, means any operation or set of operations which is performed on information, or on sets of information, such as—

- (a) collection, recording, organisation, structuring or storage,
- (b) adaptation or alteration,
- (c) retrieval, consultation or use,
- (d) disclosure by transmission, dissemination or otherwise making available,
- (e) alignment or combination, or
- (f) restriction, erasure or destruction.

B. Who is able to make a request?

- a) Requests may be made by any individual whose personal data is being processed (known as the ‘data subject’), or others authorised to be a representative (lawyer, guardian) of the data subject.
- b) Another organisation (for example EIS) which has received a request from the individual or a representative, may request information from UKS.
- c) Additionally informal requests may come from an athlete, someone from the Sport, or another person whose personal data we hold.

In all cases, before providing any personal data, it is essential to confirm a) the identity of the requestor and b) that they are authorised to make the request (i.e. they have the consent of the individual to make the request).

C. What does a ‘qualifying request’ look like?

The UK GDPR does not specify how to make a valid request. In most cases, this will be in writing and will be in relation to one (or more) of the individual’s rights listed in Appendix B. A request does not need to explicitly refer to The DPA or the UK GDPR.

It can also be made to any part of your organisation (including by social media) and does not have to be to a specific person or contact point.

It may be emailed, faxed, texted, or written in a document. If a request is made verbally, please suggest that the requestor put in in writing so we have understood what they are asking for, however, if they chose not to – it will still be a valid request that needs logging and actioning.

D. What does an ‘informal request’ look like?

An informal request is difficult to categorise, but may have some of the following characteristics:

- **Standard service delivery:** sharing information, such as feedback, is often an essential part of service delivery in the context of certain teams, and in particular,

between practitioners, athletes and coaches. If such sharing is covered by existing service delivery agreements, it does not need to fall within the scope of this policy.

- **Insignificant changes to processing:** where such a change does not negatively affect delivery of a service, such as an update to somebody's address, and can be fulfilled without disproportionate expense, it should be carried out as normal course of business/ a gesture of goodwill.

E. What are the timescales for response?

We have one calendar month to respond to a request exercising one of the individual rights. With SARs, the time limit to respond is one month, but can be extended to three months in complex cases.

As one month can be a quick turnaround, please check with your manager if you should reprioritise other tasks in order to assist with a response, for example, pulling the information together in response to a SAR.

F. Are there any exceptions to a request made by an individual?

Yes, there are limited exceptions and the DPO will be responsible for advising on the exceptions.

G. Can UKS impose a charge for responding to such requests?

Generally, requests must be complied with free of charge although a 'reasonable fee' may be applied when a request is manifestly unfounded or excessive, particularly if it is repetitive.

H. Can someone make a request on behalf of an individual?

Appendix D describes the process for dealing with a request made by someone on behalf of an individual. The process for dealing with requests from the Police is set out in Appendix E.

APPENDIX B Individuals' Rights

The UK GDPR provides the following rights for individuals: <https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/> .

| | Right | Summary of request | Response |
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| 1 | To be informed | <p>To provide 'fair processing' information, typically through a privacy notice.</p> <p>This needs to explain a number of things, such as: your purposes for processing their personal data, your lawful bases, your retention periods for that personal data, and who it will be shared with. You must also express their right to withdraw consent at any time, the right to lodge a complaint with a supervisory body etc.</p> <p>You must provide privacy information to individuals at the time you collect their personal data from them.</p> <p>If you obtain personal data from other sources, you must provide individuals with privacy information within a reasonable period of obtaining the data and no later than one month.</p> | <p>Ensure any processing you do is covered by a privacy notice and if unsure or need help drafting this, please consult with the Data Protection Officer (DPO).</p> |
| 2 | Access | <p>Respond within one month, unless complex.</p> <p>No fee, unless for excessive administrative effort.</p> | <p>Notify the DPO – see Appendix D for additional detail on the process also.</p> |
| 3 | Rectification | <p>To have personal data rectified if it is inaccurate or incomplete.</p> <p>Respond within one month.</p> | <p>Notify the DPO, and take steps to correct the information, if it should be.</p> <p>If not, they need to be informed of how to seek a judicial remedy.</p> <p>If the data has been disclosed to third parties, the individual must be informed.</p> |
| 4 | Erasure/ deletion | <p>Also known as 'the right to be forgotten'.</p> <p>To request deletion or removal of personal data where there is no compelling reason for its continued processing.</p> <p>This right further exists in the following specific circumstances listed here:</p> <ul style="list-style-type: none"> • where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed; • when the individual withdraws consent; • when the individual objects to the processing and there is no | <p>Notify the DPO</p> <p>If the data has been disclosed to third parties, they should be informed of the request.</p> |

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| | | <p>overriding legitimate interest for continuing the processing;</p> <ul style="list-style-type: none"> • when the personal data was unlawfully processed; • when the personal data has to be erased in order to comply with a legal obligation; or • when the personal data is processed in relation to the offer of information society services to a child. | |
| 5 | Restrict Processing | <p>Similar to previous right to 'block' or suppress processing of personal data.</p> <p>Where it is claimed that data is inaccurate individuals can require the controller to restrict processing until verification checks have been completed. Individuals may also require controllers to restrict processing where the controller no longer needs to (other than for legal claims).</p> | <p>Notify the DPO</p> <p>If it should be restricted on the system (or wherever it is held); start to make provision for this to happen.</p> |
| 6 | Data Portability | <p>This is a new right that allows individuals to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability. This applies where processing is based on consent or performance of a contract.</p> <p>The personal data must be provided in a structured, commonly used and machine readable form. Must respond without undue delay, and within one month.</p> | <p>Notify the DPO</p> <p>If applicable, you should subsequently work with IT/your system provider to facilitate this request.</p> |
| 7 | Object | <p>Individuals have the right to object to:</p> <ol style="list-style-type: none"> 1. processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling); 2. direct marketing (including profiling); and 3. processing for purposes of scientific/historical research and statistics. | <p>Notify the DPO</p> |
| 8 | In relation to automated decision making and profiling | <p>The UK GDPR defines profiling as any form of automated processing intended to evaluate certain personal aspects of an individual.</p> <p>The UK GDPR provides safeguards for individuals against the risk that a potentially damaging decision is taken without human intervention.</p> | <p>Firstly, determine if we are carrying out profiling.</p> <p>If so, notify the DPO of the request/ challenge.</p> |

APPENDIX C Process

The process to be followed depends on how the request is received (as set out below).

Request directly to UKS from any individual

Process:

1. **UKS employee informs DPO of receipt of request**
2. **DPO sends an acknowledgement letter to the athlete**
3. **On receipt of any proof of identity (if needed), searches are conducted for the requested information**
4. **We subsequently send the information by encrypted means to the requestor.**

Request from a lawyer or other individual acting on behalf of data subject:

Process:

1. **UKS employee informs DPO of receipt of request**
2. **DPO asks the lawyer to arrange completion of a proof of authority form so we know they have the authority to act on behalf of the individual,**
3. **On receipt of this signed document, we confirm we will proceed with the request with the standard acknowledgement form**
4. **We subsequently send the information by encrypted means to the requestor.**