

THE MAPLES

Form – Subject Access Request Form

The Maples respects the rights of individuals to have copies of their information wherever possible.

Personal information collected from you by this form, is required to enable your request to be processed, this personal information will only be used in connection with the processing of this Subject Access Request.



Charges Payable: In accordance with legislation **no fee** will be charged for your request, unless the request is manifestly unfounded or excessive, particularly if it is repetitive. Before any further action is taken, we will contact you with details of our “reasonable administrative charges” in order to comply with your request.

PLEASE COMPLETE IN BLOCK CAPITALS – Illegible forms will delay the time taken to respond to requests.

1.	Details of Patient/Clients/Staff members records to be accessed (Please complete one form per person)									
Surname					Date of Birth					
Forename(s)					Current Address					
Any former names (If Applicable)					Full Postcode					
Telephone Number					Previous Address (If Applicable)					
NHS Number (If known/relevant)					Full Postcode					
If further details are available, please include in a separate covering note.										

2.	Details of Records to be Accessed									
In order to locate the records, you require please provide as much information as possible. Please list the department or services you have accessed that you require records from: i.e. PALs, complaints, continuing healthcare or Human resources etc (Continue on a separate sheet if required).										
Records dated from					Department or services accessed					
/ / to / /										
/ / to / /										
/ / to / /										

3.	Details of applicant (Complete if different to patients/clients/staff members details)									
Full Name										
Company (if Applicable)										
Relationship with individual who's records have been requested										

Please Note:

- If you are making an application on the behalf of somebody else we require evidence of your authority to do so i.e. personal authority, court order etc.
- Patients with capacity and proxy nominees will be asked to provide two forms of identification, One of which must be photographic identification. Please speak to reception if you are unable to provide this.
- If there is any doubt about the applicant's identity or entitlement, information will not be released until further evidence is provided. You will be informed if this is the case.
- Under the terms of the Data Protection Act, Subject Access Requests will be responded to within 30 days after receiving all necessary information and/or fee required to process the request.
- If you are making a request under the Access to Health Records Act 1990, requests will be responded to within 40 days where no entries have been made to the patient/client's record 40 days immediately preceding the date of this request, otherwise requests will be responded to within 21 days after receiving all necessary information and/or fee required to process the request.
- Under the terms of Section 7 of the Data Protection Act, Information disclosed under a Subject Access Request may have information removed; this is to ensure that the confidentiality is maintained for third parties referred to who have not consented to their information being disclosed.

Print Name		Signed (Applicant)		Date	/ /
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Please complete and send this document to:

The Maples Health Centre
Vancouver Road
Broxbourne, Herts
EN10 6FD

For office use only:

Identification verification must be verified through 2 forms of ID

- One of which must contain a photo e.g., passport, photo driving licence or bank statement.

Where this is not available, vouching by a member of staff or by confirmation of information in the records by one of the clinicians may be used.

If this is a proxy request, where patient has capacity, both patient and proxy should provide identification as above in person.

Request received		Request refused	
Reviewed by		Request completed	
Completed by		Date sent	
Comments			
Patient identity verified by		Date	
Method	<input type="checkbox"/> Photo ID or proof of residence – Type <input type="checkbox"/> Photo ID or proof of residence – Type <input type="checkbox"/> Vouching – by whom <input type="checkbox"/> Vouching with information in record – by whom		
Proxy identity verified by		Date	
Method	<input type="checkbox"/> Photo ID or proof of residence – Type <input type="checkbox"/> Photo ID or proof of residence – Type <input type="checkbox"/> Vouching – by whom <input type="checkbox"/> Vouching with information in record – by whom		

Disproportionate Effort Exemption Guidance

This guidance sheet is based on the revised Information Commissioner Subject Access Code of Practice that was issued in July 2017:

<https://ico.org.uk/media/for-organisations/documents/2014223/subject-access-code-of-practice.pdf>

1. What is disproportionate effort?

- The 'disproportionate effort' exception is in section 8(2) of the DPA. The Court of Appeal has provided clarification as to its application in its 2017 judgments in the cases of Dawson–Damer ¹ and Ittihadieh/Deer and Oxford University ²
- The DPA does not define 'disproportionate effort', but the court has explained that there is scope for assessing whether, in the circumstances of a particular case, complying with a request by supplying a copy of the requested information in permanent form would result in so much work or expense as to outweigh the requester's right of access to their personal data
- The court also made it clear that in assessing whether complying with a SAR would involve disproportionate effort under section 8(2)(a) you may take into account difficulties which occur throughout the process of complying with the request, including any difficulties you encounter in finding the requested information
- This approach accords with the concept of proportionality in EU law, on which the DPA is based. When responding to SARs, the Information Commissioner expects you to evaluate the particular circumstances of each request, balancing any difficulties involved in complying with the request against the benefits the information might bring to the data subject, whilst bearing in mind the fundamental nature of the right of subject access

2. How is this applied in practice?

- In order to apply the exception, the burden of proof is on you as data controller to show that you have taken all reasonable steps to comply with the SAR, and that it would be disproportionate in all the circumstances of the case for you to take further steps
- The Information Commissioner considers it good practice for you to engage with the applicant, having an open conversation about the information they require. This might help you to reduce the costs and effort that you would otherwise incur in searching for the information
- If the Information Commissioner receives a complaint about your handling of a subject access request, they may take into account your readiness to engage with the applicant and balance this against the benefit and importance of the information to them, as well as taking into account their level of co-operation with you in the course of the handling of a request

- Even if you can show that supplying a copy of information in permanent form would involve disproportionate effort, you must still try to comply with the request in some other way, if the applicant agrees. This could form a useful part of your discussions with the applicant, in order to identify an alternative way of satisfying their request
- In addition, even if you do not have to supply a copy of the information in permanent form, the requester still has the right:
 - to be informed whether you are processing their personal data; and
 - if so, to be given a description of:
 - the personal data in question; o the purpose of the processing; and o the recipients or classes of recipients; and
 - to be given information about the source of the personal data.

3. Example

- An organisation has decided that to supply copies of an individual's records in permanent form would involve disproportionate effort
- Rather than refuse the individual access, they speak to her and agree that it would be preferable if she visited their premises and viewed the original documents. They also agree that if there are documents she would like to take away with her, they can arrange to provide copies

4. Key things to remember

- Where the disproportionate effort argument is used this is NOT a reason for not seeking to respond to a request
- This is about recognizing the difficulties that an organisation at times may have in finding information and providing a constructive approach that recognizes this
- The applicant still has the right of appeal and an organisation MUST be able to demonstrate the structured approach that it has taken if the disproportionate effort argument is used