

**DATA SUBJECT RIGHTS PROCEDURE**

**1.0 INTRODUCTION AND BACKGROUND**

1.1 Under the General Data Protection Regulation (the GDPR) and the Data Protection Act 2018 data subjects have a range of rights in relation to the processing of their personal data. Cognus will always endeavor to give effect to these rights, subject to some limited exceptions under certain circumstances. This Procedure sets out how Cognus will process requests from data subjects to exercise their rights.

1.2 The rights relevant to data subjects will be clearly specified in all Privacy Notices issued to them, along with information on how to exercise these rights. These are also set out in Cognus’s Privacy Policy.

**2.0 DATA SUBJECT ACCESS REQUESTS (DSARS)**

2.1 Anyone can make a request to access their personal data which is held by Cognus, without having to provide a reason for the request.

2.2 Requests should normally be provided in writing, whether through email or in the post. Where a verbal request is made, the member of staff dealing with the request should assist the Data Subject to make the written request. Where this is not possible, or the Data Subject is unwilling to put the request down in writing, it can be taken verbally.

2.3 Once a request is received (written or verbal), it should be recorded in Cognus’s DSAR Request Log.

2.4 It is permissible to request further information from the data subject in order to narrow down a request for information so that they receive only what is relevant to them. However, the Data Subject does not have to provide more detailed information, and the time limit should not be paused if they have been asked to do so and do not respond.

2.5 Requests will be responded to without undue delay and within 30 days of the receipt of the request. Where the request is complex and voluminous, an extension to up to two months may be required. Where this is the case, it should be communicated to the Data Subject, along with the reasons for this, within the initial 30 day period.

2.6 Cognus may refuse to comply with a request where the DSAR is manifestly unfounded or excessive. However, that refusal still needs to be in writing and must contain not only reasons for the refusal but also information about the data subjects’ right to complain to the supervisory authority and to seek a judicial remedy. Cognus may also refuse to comply with a request where a lawful exemption applies.

2.7 The DSAR information will be provided free of charge, unless the request is for a further copy of the same information, or the request is deemed to be manifestly unfounded or excessive. If this is the case, the fee charged will be based solely on the administrative cost of providing the information.

2.8 When dealing with a DSAR, Cognus will always have consideration for the data protection rights of other data subjects. Where personal data of additional data subjects may be disclosed as part of a DSAR, Cognus will seek the permission of the additional data subjects to allow the release of this information. Where consent is not provided, or contact cannot be made, any information which may identify another individual, or is related to them, must be redacted from the information disclosed.

2.9 The manager of the appropriate team will be responsible for collating, or coordinating the collation of, the relevant information. Prior to it being issued to the Data Subject, it should be approved by the appropriate Head of Service and Data Protection processes. The data should then be provided to the Data Subject in either an accessible electronic format (where the request is received electronically) or in hard copy – when deciding on the format, the Data Subject’s preference should be given due weight.

2.10 Where Cognus does not hold the personal data sought by the Data Subject, this will be confirmed as soon as practicably possible, and in any event, not later than 30 days from the date on which the request was made.

2.11 Cognus should also let the data subject know the purpose/s the data is processed for, any other organisations we share the data with and also if any data we hold is collected from other sources.

**3.0 DATA ERASURE**

3.1 Anyone can make a request for Cognus to delete all of their personal data which is held by Cognus, without having to provide a reason for the request.

3.2 This right applies where the information was provided with the data subject’s consent (and they withdraw their consent). It would apply, for example, where the data is no longer necessary for the purpose/s for which it was collected and the timescale for Cognus to keep the information has expired. It does not apply under certain circumstances, however, including where for example the data is required for the fulfilment of a contract to which the data subject is a party, if we require the data to establish, exercise or defend a legal claim or if records are required to protect public health.

3.3 Requests should always be provided in writing, whether through email or in the post. Where a verbal request is made, the member of staff dealing with the request should assist the Data Subject to make the written request as appropriate.

3.4 Upon receipt of a request, it should be passed immediately to Cognus’s Data Protection Officer (DPO). The DPO will consider each request on its own merit.

3.5 The DPO will have the ultimate responsibility for accepting or refusing the data subject’s request in accordance with relevant legislation. However, the appropriate Head of Service will respond in writing to the request.

3.6 Where a request is approved the appropriate Head of Service will ensure that the data erasure is fully carried out and will maintain a record of this. This record will include the name and address of the data subject, and the date of the data erasure.

**4.0 RESTRICTION OR OBJECTION TO PROCESSING**

4.1 Anyone can make a request for Cognus to stop processing or restrict the processing of their personal data which is held by Cognus, without having to provide a reason for the request. This is an alternative to requesting the erasure of their data. Individuals have the right to restrict or object to the processing of their personal data where they have a particular reason for objecting or wanting the restriction (for example because they are contesting the accuracy of their data). Cognus have the right to refuse these rights under certain circumstances.

4.2 Requests should always be provided in writing, whether through email or in the post. Where a verbal request is made, the member of staff dealing with the request should assist the Data Subject to make the written request as appropriate.

4.3 Upon receipt of a request, it should be passed immediately to Cognus’s DPO. The DPO will consider each request on its own merit.

4.4 The DPO will have the ultimate responsibility for accepting or refusing the data subject’s request in accordance with relevant legislation. However, the appropriate Head of Service will respond in writing to the request.

4.5 Where the request is to stop receiving certain communications from Cognus, such as promotional material for example, this should normally be granted without exception.

4.5 Where a request is approved, the appropriate Head of Service will ensure that the request is carried out, and Cognus will maintain a record of this. This record will include the name and address of the data subject, and the date of the data erasure.

**5.0 RIGHT TO RECTIFICATION**

5.1 This right concerns the correction of data held by Cognus. If data subjects believe that the data held is not accurate, they can request that it is corrected. Similarly, if data subjects believe that their data is incomplete, they can ask that it is completed.

5.2 Cognus may restrict access to the data pending a decision if further checks need to be made to establish whether the data held is incorrect.

**6.0 IDENTIFICATION**

6.1 Before Cognus process the data subject’s request it is necessary to obtain proof of their identity. This should be a copy of something containing a photo such as a passport or driving licence. We also require proof of their address. This can be a copy of a utility bill, council tax bill etc. and must be dated within the last 3 months.

**7.0 REVIEW AND APPEALS**

7.1 If the data subject is not satisfied with any of the responses above, or the reasons for any refusal to provide the information, they have the right to address this with Cognus’s DPO or, ultimately if the complaint cannot be resolved by the DPO, the data subject may complain to the Information Commissioner’s Office. Information on how they can do this will be provided in the DPO’s final response to the request.

**8.0 OPENNESS AND TRANSPARENCY**

8.1 In order to be open and transparent about this process, information on the rights of data subjects will be made available in Cognus’s privacy notices. This will include information on how to make a request and the timescales involved.

**9.0 PROCEDURE REVIEW**

9.1 This Procedure will be reviewed every 2 years, or earlier if legislative or other changes necessitate this.