

**DATA PROTECTION ACT  
SUBJECT ACCESS - A GUIDE  
FOR DATA SUBJECTS**

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**Information Commissioner**



# **DATA PROTECTION ACT - SUBJECT ACCESS - A GUIDE FOR DATA SUBJECTS**

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## **INTRODUCTION TO SUBJECT ACCESS RIGHTS**

The Data Protection Act 1998 (the “Act”) gives individuals who are the subject of personal data (“data subjects”) a general right of access to the personal data which relates to them.

**These rights, known as “subject access rights” are contained in sections 7, 8 and 9 of the Act.**

Requests for access to records and for other information about those records are known as “subject access requests” and are made to the person or organisation (the “data controller”) who you think is processing (holding, disclosing or using) the information to which you want access. Personal data may take the form of computerised or, in some cases, paper records.

This leaflet is part of a series of eight leaflets which explain your rights under the Data Protection Act.

Details of our other leaflets can be found at the back. If you would like any of these please contact the Information Commissioner’s Office. You will find our contact details on the back cover.

## **HOW CAN I FIND OUT WHAT IS HELD ABOUT ME?**

If you want to know whether information is held about you and if so what, you will need to write to the person or organisation you believe holds the information. This is known as a “subject access request”. You should ask for a copy of all the information held about you to which the Act applies. If you are not sure who to write to within an organisation, address it to the Company Secretary.

Overleaf is an example of a letter which you can use, but you can use your own words if you choose. It is a good idea to include your full name and address in the heading, together with any other information to assist in identifying you, for example the length of time you may have worked for the data controller or a reference number quoted in correspondence with the data controller. If you require medical information it would be a good idea to include your NHS Number.

It will help the data controller if you can be as specific as possible about the information you require.

Some decisions are made by an automatic process (for example, one made by a computer system). If you want to be told of the logic involved in certain types of automated decisions which the data controller may take (for example, your performance at work or credit worthiness), you should mention this specifically.

**Your full Address  
The Date**

**Dear Sir or Madam**

**[Your full name and address together with any other details to assist in identifying you and the information you require]**

**Please send me the information which I am entitled to under section 7(1) of the Data Protection Act 1998 [in relation to [give details if it is specific information you require]].**

**[Please would you also advise me of the logic involved in any automated decisions taken by you about me pursuant to section 7(1) (d) of the Data Protection Act 1998.]**

**If you need further information from me, or a fee, please let me know as soon as possible.**

**If you do not normally handle these requests for your organisation, please pass this letter to your Data Protection Officer or another appropriate officer.**

**Yours faithfully**

**Signature**

It is best to send your request by recorded delivery and it is important to keep a copy of the letter and any further correspondence.

## **HOW CAN I OBTAIN A COPY OF MY CREDIT FILE?**

Credit reference agencies provide lenders with a range of information about potential borrowers, which lenders use to make lending decisions. The information shared may include information about the individual's previous credit history. If you are asking for information from a credit reference agency the agency will only send you details about your financial situation, unless you specifically say that you want any other information such as that referred to in the example letter. In order to obtain a copy of the information which relates to your financial standing (i.e. your credit file), you should write to the three main credit reference agencies. These are:

**Equifax Plc**  
**Credit File Advice Centre**  
**P.O.Box 1140**  
**Bradford**  
**BD1 5US**

**Call Credit Plc**  
**Consumer Services Team**  
**One Park Lane**  
**Leeds**  
**LS3 1EP**

**Experian Ltd  
Consumer Help Service  
P.O.Box 8000  
Nottingham  
NG1 5GX**

You should send:–

A fee of £2, your full name & address including postcode, any other address you have lived at for the last 6 years and details of any other names you have used or been known by in that time.

Unless the agencies require any further information to locate your file, they have 7 working days from the receipt of your letter in which to provide you with a copy of your file.

## **RESPONDING TO YOUR 'REQUEST' - WHERE DATA CONTROLLERS ARE NOT CREDIT REFERENCE AGENCIES**

The data controller is obliged to reply promptly and, in any event, within 40 days, provided that you have paid any necessary fee.

If a data controller reasonably requires additional information to deal with the subject access request, provided the data controller tells the data subject what he requires the data controller does not have to deal with the request until this additional information has been received.

The 40 day time limit is calculated from the day on which the data controller has both the required fee and the necessary information to confirm the identity of the data subject and to locate the data.

There are different periods for requests for copies of credit files (7 days) and for school pupil records (15 school days).

The expression “disproportionate effort” is not defined in the Act. However in deciding whether a data controller may rely upon this provision and not supply the information to you in permanent form, the Commissioner will take into account the cost of provision of the information, the length of time it may take to provide the information, how difficult or otherwise it may be for the data controller to provide the information and also the size of the data controller’s organisation. These matters will also be balanced against the effect of failing to supply the information in permanent form to you.

## **HOW MUCH DOES IT COST TO OBTAIN THE INFORMATION?**

Data controllers may charge a fee of up to £10 (£2 if it is a request for limited information from a credit reference agency).

There are special rules that apply to fees for access to manual health records (where the maximum fee is currently £50) and education records (where there is a sliding scale ranging from £1 to £50 depending upon the number of pages to be provided). Further details may be obtained from the Commissioner's website under the heading **Your Information Rights** [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk) or by calling the Commissioner's Office on 01625 545 745.

## **IF I REQUIRE AN EXPLANATION AS TO HOW ANY AUTOMATED DECISIONS HAVE BEEN MADE, WHAT MUST I DO?**

Unless you specifically ask to be given an explanation as to how any automated decisions about you have been made, the data controller is not obliged to provide such information.

If you do specifically include a request for such information in your request then the data controller must provide it within the single £10 fee. If you do not, then the data controller is entitled to charge a separate fee of no more than £10 for the separate provision of such information.

## WHAT WILL BE SENT TO ME?

You are entitled to be told IF any personal data are held about you AND, if so:

- to be given a description of the data;
- to be told for what purposes the data are processed; and
- to be told the recipients or the classes of recipients to whom the data may have been disclosed.

This information should include what sort of data are held, the purposes for which the data are processed and the type of organisation or people to whom the data may be disclosed.

You are also entitled:

- to be given a copy of the information with any unintelligible terms explained;
- to be given any information available to the data controller about the source of the data;
- to be given an explanation as to how any automated decisions taken about you have been made; and
- if you have specifically requested it, the logic involved in any automated decisions.

The data controller has an obligation to provide the information in permanent form. This means that the information may be sent as a computer print out, in a letter or on a form unless the supply of such a copy is not possible, would involve disproportionate effort, or you agree otherwise.

It will be a question of fact in each case as to whether the supply of information in permanent form amounts to "disproportionate effort".

## **IS THE DATA CONTROLLER ENTITLED TO WITHHOLD ANY INFORMATION?**

There are circumstances where a data controller may find that, in complying with a subject access request, information will be disclosed relating to an individual other than a data subject. Unless that individual consents to the disclosure of the information or it is reasonable in all the circumstances to comply with the request without the consent of the other individual, the data controller is entitled to withhold the information from the data subject.

There are other circumstances in which a data controller may withhold information from a data subject which are set out in the Act, details of which may be found under the heading “your information rights” of the Commissioner’s website

**[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)**

or in the Legal Guidance which is also available on the website. These publications are also available from the Commissioner’s Office.

## WHAT CAN I DO IF THE DATA CONTROLLER DOES NOT COMPLY WITH MY SUBJECT ACCESS REQUEST?

If the data controller fails to respond to your request within 40 days, or fails to respond to your satisfaction, and you have sent all the information required to the data controller to enable him to deal with your request, including the fee, you should send the data controller a reminder by recorded delivery, keeping a copy of your letter.

If you still do not receive a reply fairly quickly or if you think that the information you receive is wrong or incomplete you may:

- ask the Commissioner to carry out an assessment as to whether it is likely or unlikely that the data controller is processing your personal data in compliance with the terms of the Act;
- pursue the matter yourself through the court. For information as to how to do this please refer to the leaflet called **“Taking a case to court”**.

An assessment will inform you as to whether the matters that concern you are likely to involve a breach of the Act and may help you in making a decision as to whether to take legal action against a data controller under the Act. However, an assessment from the Commissioner is not necessary to take a case to court.

## **WHAT ORDERS CAN THE COURT MAKE?**

If a court is satisfied that a data controller has failed to comply with a subject access request contrary to the provisions of the Act, the court may order him to comply with such a request. The court also has the power to award compensation.

Please refer to the leaflet called

**“Claiming compensation”.**

For further information please refer to the Commissioner’s website [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk) or contact the Commissioner’s Office on 01625 545745.



## **1. YOUR RIGHTS AND HOW TO ENFORCE THEM**



## **3. INCORRECT INFORMATION - WHAT CAN I DO?**



## **4. HELP! HOW CAN I STOP THEM PROCESSING MY PERSONAL INFORMATION?**



## **5. STOPPING UNWANTED MARKETING MATERIALS**



## **6. PREVENTING DECISIONS BASED ON AUTOMATIC PROCESSING OF MY PERSONAL INFORMATION**



## **7. CLAIMING COMPENSATION**



## **8. TAKING A CASE TO COURT**

**Citizens Advice**

Myddleton House  
115-123 Pentonville Road  
London  
N1 9LZ

T: 020 7833 2181

W: [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

W: [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

**Court Service**

T: 020 7210 2266

W: [www.courtservice.gov.uk](http://www.courtservice.gov.uk)

**The Department for Constitutional  
Affairs**

W: [www.dca.gov.uk](http://www.dca.gov.uk)

**Legal Services Commission**

T: 020 7759 0000

W: [www.legalservices.gov.uk](http://www.legalservices.gov.uk)

## **Publication Request**

t: 01625 545 700

f: 01625 524 510

e: [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)

## **Enquiries**

t: 01625 545 745

f: 01625 524 510

w: [informationcommissioner.gov.uk](http://informationcommissioner.gov.uk)

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**Data Protection**

Information Commissioner's Office,  
Wycliffe House, Water Lane,  
Wilmslow, Cheshire SK9 5AF