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Making a SAR

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Are you wondering what this is? A SAR is a statutory access request.

You will be aware that a lot of organisations hold information about you, the new GDPR (general data protection regulation) has given individuals more rights to find out and see what information is being held. This article will focus on the information your employer holds about you.

If this matters to you, you need to write to your employer and request the information you want, this is called making a 'subject access request'.

Think about what it is you want to see? Is it one particular record? Is it some CCTV footage? Is it your references from previous employers? Is it particular emails? Is it your last annual appraisal? Give your employer as much information as possible – especially if you work for a large organisation.

Your employer should provide the information within one month and there is no charge for this. If however the information you have requested is particularly excessive a fee can be charged and the one month time period can be extended.

Keep a copy of your request and any proof of postage so you have a record of your request. When your employer responds to your request, they should provide you with a copy of your data. They may do this electronically. If you need your data in another format, you must ask if this is possible.

You are also entitled to be told the following things:

- What it is using your data for.
- Who it is sharing your data with.
- How long it will store your data, and how it made this decision.
- Information on your rights to challenge the accuracy of your data, to have it deleted, or to object to its use.
- Your right to complain to the Information Commission Officer (ICO).
- Information on where your data came from.
- Whether your data is used for profiling or automated decision making and how it is doing this.
- If it has transferred your data to a third country or an international organisation, what security measures it took.

Having seen the information you have requested, what do you do if you are not happy with the information? Your first step is to put your complaint in writing to your employer explaining your reasons.

Some examples of concerns might be that your information is not secure, some of the information is incorrect, your employer has disclosed information about you to someone else, information has been kept longer than is necessary or you have given information to your employer for one particular reason, but they are using for something else.

You should expect a response within one month and for your employer to resolve the issue satisfactorily.

If this process doesn't work and your employer says they are not able to resolve your complaint, or refuses to do so, you should then complain to the ICO (Information Commission Officer). <https://ico.org.uk/make-a-complaint/>

The ICO will not act for you, but will assist and advise, you need to contact the ICO within three months of your last communication with your employer.

You can also take legal action if necessary and you should take independent legal advice if you are considering this.

Occasionally your employer can refuse to give you access to some information. This can happen if the details you requested also contain information about someone else and they other person does not give their consent. Your employer can also refuse if your request is 'manifestly unfounded or excessive'.

If your request is refused, your employer should give you the reason for this and should also let you know of your right to complain to the ICO.

Your employer cannot charge you a fee for this, unless, once again the request is 'manifestly unfounded or excessive' in which case they can charge a reasonable fee.

For further support with this or any other HR issue, BVNA members can call the BVNA Advisory Service Helpline on 01822 870270 or email nickyackerley@hrsupportconsultancy.co.uk