

Data Protection Act 2018

General Data Protection Regulation 2016

Right of Access - Information Sheet

This guide provides a brief outline of your rights under the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR) 2016. This guide tells you how DAERA will deal with your request for information and should not be regarded as a legal interpretation.

What are my rights?

The Data Protection Act gives you a right of access to any personal data we hold about you, subject to certain exemptions. Requests for access to personal data are known as Subject Access Requests. If you submit a Subject Access Request, you are entitled to be told whether we hold any data about you. If we do, you also have the right to be given:

- a description of the data;
- the purpose(s) for which the data are being processed;
- how long the data will be retained; and
- a list of those to whom the data may have been disclosed, including transfers outside of the European Economic Area;

You also have the right to:

- be informed of your other rights, particularly the right to correct or request erasure of your data;
- be given a copy of the data in an intelligible form, with any unintelligible terms explained;
- be provided with any information available about the source of the data; and
- be told of the existence of any automated decision-making, including profiling, using your personal data, with an explanation of the logic involved and how this processing is likely to affect you.

What information can I obtain?

You are only entitled to information that the Department holds in electronic form or in a 'relevant filing system' that relates to you (your personal data). The Information Commissioner's guidance suggests that in most cases, paper records would amount to a relevant filing system for the purposes of DPA if they are held in a 'sufficiently systematic structured way'. If the paper records are held in no particular order (i.e. unstructured), they may not be subject to the right of access.

The fact that you are named in a document does not mean that the entire document is your personal data. For information to be personal data it has to be 'biographical in a significant sense' and the individual making the request has to be the focus of the information.

How do I get information held by the Department?

Requests for access to personal data can be made in writing or orally. Greater detail on how to make a request can be found in the Information Access section of the Departmental website at <https://www.daera-ni.gov.uk/access-information-0>. Alternatively, you can write to us using the contact details at the end of this leaflet.

In order to process your request we will take reasonable steps to verify your identity, which may involve asking you for specific forms of photographic ID, such as a driver's licence or the page(s) in your passport which identify you.

We will not begin processing your request until we are satisfied we have verified your identity. Please note that you must provide us with your name and address (or email address) to enable us to respond to your request.

How long does it take to get my information?

The legislation requires us to respond to your request for information as soon as possible after it is received, and not later than one month after the date of receipt. This timescale may have to be extended if the information requested is very extensive and, therefore takes a long time to gather. It will help us to process your request more quickly if you can be as specific as possible about what information you want. Sometimes we might have to contact you in order to clarify exactly what information you are interested in.

What are the exemptions?

The Data Protection Act (2018) includes various exemptions which specify the circumstances in which an organisation can refuse to provide access to personal data. The most likely situations in which we could refuse a subject access request are where:

- the release of the data would jeopardise the prevention or detection of crime, or the apprehension or prosecution of offenders;
- you have requested access to an examination script, other than examiners' comments;
- you have requested data contained in a confidential reference;
- you have requested data which records our intentions in relation to any negotiations with you, and the release of the data would prejudice the negotiations;
- the data is covered by legal professional privilege;
- the data relates to management forecasting or management planning, and its release to you would prejudice the Department's business or activities; or
- you have requested access to data which have been retained for the purposes of historical or statistical research, the conditions set out in the Data Protection Act for processing for research purposes have been met, and the results of the research have not been published in a way which identifies individuals.

What if I am refused the information?

If we withhold data from you as a result of an exemption under the Data Protection Act, we will explain why the data has been withheld and the relevant exemption, unless doing so would itself disclose information which would be subject to the exemption.

Is there a cost for getting information?

In most cases the information will be provided free of charge, however the Department can make a 'reasonable' charge depending on a number of factors including the volume of material requested.

What happens if the information I want is not available?

The legislation does not require us to gather or create information that is not already held. We will contact you and tell you what, if any, information we do hold. It is also possible that we may have had the information at one time but that it has been lawfully destroyed, in which case we will tell you.

Can I complain if I am unhappy with the Department's handling of my request?

You have the right to complain to the Department if we do not deal with your request for information within the timescales set by the legislation - that is normally not later than one month after the date your enquiry is received by the Department.

If you are dissatisfied with the outcome of your request you can complain to the Information Commissioners Office, The Commissioner's details are:

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

Website: <https://ico.org.uk>, **Phone:** 0303 123 1113, **Email:** ni@ico.gsi.gov.uk

Where can I get more information about the legislation?

Further information can be found on the [DAERA website](#) or on the [ICO Website](#)

You can also contact us at:

**Department of Agriculture, Environment and Rural Affairs (DAERA)
Data Protection & Information Management Branch
Dundonald House
Upper Newtownards Road
Ballymiscaw
Belfast, BT4 3SB**

Tel: 028 9052 4199

Email: daera.informationmanager@daera-ni.gov.uk