DSAR RESPONSE COVERING LETTER INCLUDING SUPPLEMENTARY INFORMATION

[TO BE SENT ON LETTERHEAD]

Drafting Notes: This letter will need to be tailored according to each DSAR received either directly from a data subject or via a claims management company / legal firm using the drafting notes (DNs). The DNs are in purple text and start with the letters DN and a number. The text that needs to be edited / deleted is in red font and contained in square brackets. Please refer to the DNs carefully and delete before sending the letter. This letter is limited in scope to DSARs relating to the council acting in its capacity as administering authority and regarding the data subject's transfer of benefits or application for ill health early retirement pension from the Local Government Pension Fund and as such it is anticipated that most of the personal data will be held in the data subject's pensions file; the administering authority may need to take further advice if the DSAR is wider in scope**.**

**Strictly Private and Confidential**

[BY EMAIL]

[NAME]

[ADDRESS]

[DATE]

Dear [NAME],

**Data Subject Access Request ("DSAR") dated [INSERT DATE]**

I am writing in response to [your DSAR OR the DSAR submitted on behalf of your client, [NAME]] made under Article 15 of the UK General Data Protection Regulation (**"UK GDPR"**) and the Data Protection Act 2018 (together, the **"Data Protection Laws"**).

We are pleased to supply [you OR you, on behalf of your client] with the following information:

## DSAR Documentation and Supplementary Information

**DN1 –** Include in all cases**.** For security reasons, the password should be sent by a different method to the DSAR documentation. One example would be to send the password by SMS message, or to ask the data subject / data subject's representative to call you for the password.

Please find enclosed a copy of the DSAR documentation. The password for opening this documentation will be provided to [you OR you, on behalf of your client] by [DETAILS].

**DN2** – Include this paragraph in all cases. Supplementary information is required to be provided in addition to the DSAR documentation as follows: (a) purpose of processing; (b) categories of personal data processed; (c) recipients to whom data is disclosed; (d) any disclosure outside UK/EEA; (e) retention period(s); (f) details of any automated decision making; and (g) sources of personal data. This information should already be included in the administering authority's privacy notice. If any of the above information is missing from the privacy notice, a copy of the notice should be enclosed and the missing details should be set out in this letter so that together, all supplementary information is covered.

For the purposes of Article 15 of the UK GDPR, and for [your OR your client's] information, please find enclosed a copy of our privacy notice.

## **Scope and Searches Performed**

**DN3 -** Optional wording (DN4 to DN\*), is provided below depending on what correspondence has previously occurred with the data subject / data subject's representative, and the circumstances of handling the DSAR with regard to any extension in the time limit for responding, whether the parameters were changed e.g. by using key words and whether a request for clarification was previously made. In all cases, the wording setting out details of the searches performed should be included.

**DN4 -** If the Template Acknowledgement Letter was used and the search was performed on the basis for the original DSAR, use this wording. Otherwise, delete and use appropriate wording.

We wrote to [you OR you, on behalf of your client] on [DATE] acknowledging receipt of [your OR your client's] DSAR. We conducted the following searches in order to identify the personal data that you seek [on behalf of your client]:

**DN5 -** If the Template Acknowledgement and Extension Letter was used and the timeframe for responding was extended by a further two months, use this wording. Otherwise, delete and use appropriate wording.

We wrote to [you OR you, on behalf of your client] on [DATE] acknowledging receipt of [your OR the] DSAR and invoked our rights under Article 12(3) of the UK GDPR to extend the period for responding to [your OR the] DSAR by up to a further two months. We conducted the following searches in order to identify the personal data that you seek [on behalf of your client]:

**DN6 -** If the Template Acknowledgement and Request Letter was used to request further details to clarify the scope of request, use this wording. Otherwise, delete and use appropriate wording. Please note that this wording is not intended to cover DSARs that go beyond the scope of the council's capacity acting as an administering authority in the context of the data subject's current or historic benefits within the Local Government Pension Scheme.

We wrote to [you OR you, on behalf of your client] on [DATE] acknowledging receipt of [your OR the] DSAR and explained that when we carried out a preliminary search for [your OR your client's] personal data against the parameters set out in [your OR the] DSAR, i.e. [DETAILS], this returned a substantial number of emails/documents (in excess of [NUMBER]). As [NAME OF ADMINISTERING AUTHORITY] (the **"Administering Authority"**), processes a large amount of information about [you OR your client] in its capacity as administering authority and in respect of [your OR your client's] [current OR historic] pension benefits within the Local Government Pension Fund, we sought to clarify [your request OR your request, on behalf of your client] in line with guidance produced by the Information Commissioner's Office (**"ICO"**).

**DN7** - If the data subject / the data subject's representative (i.e. claims management company / legal firm) responded to provide further clarification, use this wording.

We refer to [your response dated [DATE] OR our correspondence with you between [DATE] and [DATE]]. Based on that [response OR correspondence] we conducted the following searches in order to identify the personal data that you seek [on behalf of your client]:

**DN8** - If no response to the request for clarification was received, use this wording.

As we received no response, we took reasonable steps to comply with [your OR the] DSAR to the extent possible without this further information and conducted the following searches based on the information we had available:

**DN9** - If the Template Acknowledgement Letter was used but amendments to the scope of the search were required without any further request for information being requested from the data subject / from the data subject's representative (e.g. the search was too wide based on original DSAR, but you had sufficient background information to focus the search without needing to ask for clarification), use this wording. Otherwise, delete and use appropriate wording. Include the sentence about emails if documentation within the disclosable documents/items reviewed when processing the DSAR were emails. If there was no email data, delete.

We wrote to [you OR you, on your client's behalf] on [DATE] acknowledging receipt of [your OR the] DSAR. Please note that [NAME OF ADMINISTERING AUTHORITY] (the **"Administering Authority"**) processes a large amount of information about [you OR your client] and in light of this, when we carried out a preliminary search of [your OR your client's] personal data against the parameters set out in [your OR the] DSAR, i.e. [DETAILS], this returned a substantial number of emails/documents (in excess of [NUMBER]).

A significant proportion of these emails/documents will include personal data about third parties and information which is not [your OR your client's] personal data and which we may not be permitted to disclose to [you OR you, on behalf of your client] under the Data Protection Laws. [A large number of these documents are emails, which by their very nature as a method of correspondence, will have both a sender and a recipient and other individuals may also be discussed in those emails.]

Before providing [you OR you, on your client's behalf] with copies of [your OR your client's] personal data, as required under the Data Protection Laws, we would need to review all of the emails/documents contained in the search results in order to work out what is and what is not [your OR your client's] personal data and identify any personal data of third parties that we are required to redact/withhold. There may also be information that we are entitled to withhold under one of the exemptions in the Data Protection Laws. Our review of over [NUMBER] emails/documents containing third party personal data is likely to be viewed by the Information Commissioner's Office (**"ICO"**) as a disproportionate invasion of the privacy rights of those third parties, whose data we would be reviewing.

The ICO will expect us to balance the invasion of privacy to those individuals against [your OR your client's] need to obtain copies of the data you are seeking. We therefore carried out the following searches based on our understanding of data which you seek:

**DN10 -** IN EVERY CASE, INCLUDE THE BELOW. This section should provide details regarding the searches performed, such as the example wording included below.

A search of the pensions administration records and the following individuals' mailboxes for emails / documents using the phrases ["first name" OR "surname" OR National Insurance Number OR date of birth]:

* [Name of mailbox owner]
* [Name of mailbox owner]

These searches returned [NUMBER] items, which were reviewed for [your OR your client's] personal data.

As you will be aware, the data subject access right under the Data Protection Laws entitles the data subject to a copy of their personal data and not to a copy of the record itself. Where we are required or permitted under the Data Protection Laws not to disclose information, for example, information relating to another individual or under applicable exemptions, data may have been withheld or relevant wording redacted from the documents supplied.

## [Your OR Your client's] rights

Under current data protection legislation, as a data subject, [you are OR your client is] also entitled in certain circumstances to the following:

* to request correction of [your OR your client's] personal data if it is inaccurate or out of date;
* to request erasure of [your OR your client's] personal data, for example, if it is no longer necessary for the purpose for which it was collected, [you OR your client] object to our processing of it, or if it is unlawfully processed by us;
* to restrict the processing of [your OR your client's] personal data, (i.e. the processing will be limited to storage only), for example, if [you want OR your client wants] us to establish its accuracy or the reason for processing it; and
* to complain to the supervisory authority, which in the United Kingdom is the ICO, regarding [your OR your client's] request and our response. We would appreciate it if you would contact us in the first instance, so that we may try to resolve [your OR your client's] query first.

**DN11** – Include in all cases**.** Please note our comments on reliance on legitimate interest grounds for processing, as set out in the template privacy notice.

[You also have OR your client also has] the right to object to the processing of [your OR your client's] personal information where we are relying on a legitimate interest (or those of a third party) and there is something about [your OR your client's] particular situation which makes [you OR your client] want to object to processing on this ground. [You also have OR Your client also has] the right to object where we are processing [your OR your client's] personal information for direct marketing purposes.

Yours sincerely

[NAME]

[ROLE]

[EMAIL ADDRESS]