

## Subject Access Request Policy (SAR)

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1. Member/individual/third party (police, solicitors) can make SARs verbally, in writing and via social media channels. Insurance companies cannot make a SAR on behalf of the member. A current HelloSelf therapist may receive a SAR from their member and relay it to us. We cannot accept SAR requests from previous HelloSelf therapists.
2. Requests are forwarded to the Assistant Psychologists within the Information Governance Team from Customer Operations Team, therapists etc via Zendesk.
3. Assistant Psychologists receiving the SAR immediately acknowledges receipt of request with the member and checks exactly what it is they require (a SAR usually involves all personal data we hold and supplementary information e.g. clinical notes, our reports, letter, emails as part of treatment/care etc). There is a standard response saved as a macro in Zendesk (X)
4. In certain situations a member might benefit from a more accessible summary report - rather than notes which might contain clinical abbreviations and language which might not make sense to a non clinician. The Assistant Psychologist can check with the member in these situations (use email template found here [https://docs.google.com/document/d/1K5plw3RWRCQnjFBak04we6\\_cJ0iH9DJWME1SS1mKwTU/edit?usp=sharing](https://docs.google.com/document/d/1K5plw3RWRCQnjFBak04we6_cJ0iH9DJWME1SS1mKwTU/edit?usp=sharing)).x
5. Assistant Psychologists record the date the request was made, date of acknowledgement and the date SAR was sent to the member on the [Data Request Log](#).
6. If the request is from a parent/carer of a child, the APs needs to let the parent/carer know HelloSelf will discuss their SAR with their child if they are over 13 years of age and deemed mature and competent enough to exercise their rights (Gillick Competent). The parent/carer would need to give a good reason as to why this should not happen. The parent/carer needs to confirm the email address of the child. In contacting the child the APs should also copy in the parent unless there is a very good reason as to why not.
7. If third party e.g. solicitor or Police make a SAR, the Assistant Psychologists still need to check directly with the member that they consent to sharing of their personal data, verify their identity, gain written consent from the member and ask exactly what it is they require.
8. Assistant Psychologists verifies the identity of the data subject by requesting [photographic ID](#) with name and address on it such as photocard driving license or passport and a recent utility bill within 3

months that has their name and address on it. Names and addresses need to match what we have on our systems. Information is saved in the Data request drive (x)

9. Assistant Psychologists checks if a member is from a referrer that requires notification (currently only NHS). The Assistant Psychologist notifies the account manager for the trust who contacts the referring Trust team directly to notify them that a request has been made and why and ask if there is anything that they are aware of which would best inform how we share the SAR (e.g. member would be retriggered reading notes by themselves and would benefit from a supported reading with their therapist).
10. If request is for notes and the member is still in therapy then the Assistant Psychologist informs all of the associate therapists involved in the member's care, share the process with them so the responsible therapist(s) can promptly take ownership of processing and emailing out the SAR within legal timescales. When reasonable all of the therapists involved in member's care need to review their notes and agree they are happy for them to be shared/note exemptions etc.
11. Therapists should be advised to reach out for support by contacting a member of Information Governance Team/Caldicott Guardian or the senior clinical team via the [clinicalsupportteam@helloself.com](mailto:clinicalsupportteam@helloself.com) email address. If the access request is for other material then inform DSI or CTO.
12. HelloSelf/the therapist can only refuse to provide the information if an exemption or restriction applies, or if the request is manifestly unfounded or excessive  
(<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/right-of-access/when-can-we-refuse-to-comply-with-a-request/>).
13. Any involved Therapist and a member of the HelloSelf Information Governance team will always review clinical notes and all other information that is held about the member/individual before it is sent, to check that it does not include any information that should not be disclosed (exemptions). Exemptions include:
  - You must ONLY give the data subject personal data which refers to him/her. NOT that which relates to any other third party. Please read ICO guidance concerning the definition of Health Professionals and what can be shared from whom. It is not an excuse from redaction that this information may already be known to the data subject.
  - If a third party could identify themselves in what is written or implied, this information should be redacted unless they provide consent.

- If a third party could identify themselves in the opinions recorded of one member these should also be redacted too.
  - Serious Harm Test:
    - Data that would jeopardise the safety of any individual or group
    - Data that would jeopardise the prevention or detection of crime
14. Assessment of exemptions/redactions and decisions made with rationale needs to be recorded in a separate document by the individual preparing the information. A clear record of who provided the information, exactly what has been disclosed (and what has been redacted with rationale) and to whom must be recorded. If circumstances require large redactions that are not third party data the redact needs to keep a record of what's been removed and the rationale. In situations where it is not clear on whether information should be removed the Caldicott Guardian and/or member of the Informational governance team can be contacted via [hello@helloself.com](mailto:hello@helloself.com)).
  15. Appropriate software should be used for redaction, e.g. Adobe Acrobat, X, Y, Z. ...It is important to use such tools as standard PDF editing has limitations, changes can be seen if an individual goes to lengths to unpick.
  16. Before any data is sent it is vitally important that it is double checked by the therapist and no earlier changes can be seen. Appendix 3 found in <https://cdn.nationalarchives.gov.uk/documents/information-management/redaction-toolkit.pdf> calls this 'roundtripping'. Please also consult this guidance <https://helpx.adobe.com/uk/acrobat/using/removing-sensitive-content-pdfs.html>
  17. A watermark noting APPLICANT'S COPY needs to be applied to the document sent to the data subject (person requesting the SAR).
  18. As a rule of thumb if a person makes a SAR by email then there's an expectation that you will reply via email.
  19. Data to be sent by the therapist to the Data to be sent to the requester by the Information Governance team via secure Egress email. The Adobe Acrobat PDF document needs to be password protected also. The password needs to be sent separately and by a different means to that via which the SAR was sent e.g. if SAR was sent by email to the member the password must be shared via a different means e.g. via the therapist to therapist messaging tool on the platform, or via text message if possible. Please use the first 8 character of the long member ID across the document for the password.
  20. In certain circumstances a supported reading of clinical notes by a therapist can be done with a member to make sure they understand what

- has been recorded and/or are aware and fully consent to what will be disclosed to a third party.
21. All requests MUST be handled within one month of receipt of request (once SAR ID has been verified). The clock starts immediately but the one month deadline starts from when ID has been verified. Please still continue with searching and preparing data to prevent delay. Individuals can make a formal complaint if not heard back from HelloSelf within 40 days. HelloSelf/the associate can extend this time limit again twice (by two further one month periods/a further two months) if the request is complex or a number of requests from the individual are received (this includes SARs and right to erasure requests). If you know the deadline needs extending because it is a complex request, this needs to be communicated to the individual who has made the SAR and the new deadline stated.
  22. If treatment is ongoing, all records available by the end of the deadline will be handed over. Following this, the Caldicott Guardian will email the member to clarify whether they want future notes and whether they are happy for these to be sent at the end of treatment as a separate document.
  23. SARs need to be monitored by our Caldicott Guardian and the informational governance team. All SARs need to be documented on the Data Request Log.
  24. The Assistant Psychologists should save a copy of original unredacted and redacted clinical notes/information shared in the Data Requests secure shared drive. There should be a separate document also produced and saved with rationale for redaction.
  25. Therapists can reach out to our Caldicott Guardian and the information governance team in the first instance. If further assistance is required The Information Commissioner's Office (<https://ico.org.uk/>), professional accrediting body and insurer could also be contacted for further guidance.

## Complaints

Member's first step is to complain to the provider, if they are not satisfied then they can contact The Information Commissioner. The Information Commissioner does not normally investigate complaints after more than a year. Complaints must be in relation to a living person.

To make a complaint online visit [ico.org.uk/make-a-complaint](https://ico.org.uk/make-a-complaint).

Procedure to be read in conjunction with ICO guidance

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/#:~:text=You%20must%20comply%20with%20a,requests%20relating%20to%20individuals'%20rights>  
<https://ico.org.uk/media/2013958/how-to-disclose-information-safely.pdf>

[https://cdn.nationalarchives.gov.uk/documents/information-management/redaction\\_toolkit.pdf](https://cdn.nationalarchives.gov.uk/documents/information-management/redaction_toolkit.pdf)

## Visual overview of SAR process (short version)

[https://docs.google.com/presentation/d/1uB-Bjiw4B\\_fBTZFMGzuXhlcScC0sXX6GzJd3qk8b6Yq/edit#slide=id.p](https://docs.google.com/presentation/d/1uB-Bjiw4B_fBTZFMGzuXhlcScC0sXX6GzJd3qk8b6Yq/edit#slide=id.p)

