

Policy Name	Data Protection – Subject Access
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Data Protection - Subject Access Policy

Policy Application

This policy applies to all employees, temporary staff (such as agency), Council Members, Associates, contractors and other authorised users of PHARMACEUTICAL SOCIETY NI information technology (IT) including all personnel affiliated with third parties, and to all equipment owned or leased by the PHARMACEUTICAL SOCIETY NI. "Associates" includes, but is not limited to, any non-Council members who are serving on Council committees, Statutory Committees, Registration Appeals Panellists, members of the Pharmacy Forum and any associated committees or working groups. Where the policy refers to "Council members" and/or "associates", this means all those referred to in this paragraph unless it is otherwise indicated.

Purpose and Scope

This policy sets out the PHARMACEUTICAL SOCIETY NI approach to the obligations imposed on the PHARMACEUTICAL SOCIETY NI by the Data Protection Act 2018 (the DPA 2018) in particular its responsibilities and activities in relation to subject access Requests.

Policy Statement

One of the key changes brought about by the Data Protection Act 2018 (DPA 2018) is how individuals' rights in respect of their personal data have been enhanced and improved.

The PHARMACEUTICAL SOCIETY NI is committed to ensuring that its systems and processes support the rights individuals have in respect of their personal data and that, as an organisation, we are able to recognise and respond appropriately to people exercising those rights.

Background

The Data Protection Act aims to give individuals – data subjects (whether these be registrants, contractors or members of staff) more control over the ways in which their personal data is processed and this has led to the granting of new rights for these individuals as well as developing rights that existed under Data Protection Act 1998.

An individual's rights under the GDPR are:

- the right to be informed;
- the right of access;
- the right to rectification;
- the right to erasure;
- the right to object;
- the right to restrict processing;
- the right to data portability; and
- rights in relation to automated decision making and profiling.

The right to be informed

Articles 12-14 of the GDPR provide individuals with the right to be informed about the collection and use of their personal data. This is a key transparency requirement under the GDPR.

Where the PHARMACEUTICAL SOCIETY NI collects or receives personal data, it will ensure that the people whose personal data it is are told why we need their personal data, how long it will be retained for and who it will be shared with.

In addition, the PHARMACEUTICAL SOCIETY NI publishes a privacy statement on the PHARMACEUTICAL SOCIETY NI's website

It explains in detail how and why different areas of the PHARMACEUTICAL SOCIETY NI collect and use personal data and the legal basis for the PHARMACEUTICAL SOCIETY NI's work. It also tells people what their rights are, how they can complain and who they can contact at the PHARMACEUTICAL SOCIETY NI if they are concerned about how their personal data is being handled.

The PHARMACEUTICAL SOCIETY NI also publishes its retention schedule which outlines how long it keeps different types of information and when we will review and consider it for secure disposal.

The right of access

Article 15 of the GDPR provides a right for data subjects to receive confirmation that their data is being processed, to access their personal data and to be told why their information is being processed, who it has been shared with, and how long it will be retained.

Data subject access requests can be submitted directly to PHARMACEUTICAL SOCIETY NI Data Protection Officer (DPO). The PHARMACEUTICAL SOCIETY NI has systems in place to manage data subject requests corporately and to ensure that, on receipt, requests will be formally acknowledged and responded to within the statutory timeframe. The PHARMACEUTICAL SOCIETY NI reports corporately on its compliance and it is published in the PHARMACEUTICAL SOCIETY NI's annual report.

The PHARMACEUTICAL SOCIETY NI will consider and respond to requests as soon as possible and within one month of receipt. However, where a request is complex or where there are multiple requests from the same individual, the response timescale may be extended by a further two months. In these cases, the data subject will be informed of the timeframe for response to their request.

Information about how the PHARMACEUTICAL SOCIETY NI manages data subject access requests is available on the PHARMACEUTICAL SOCIETY NI's website here: <https://www.psni.org.uk/freedom-of-information/>

Information for PHARMACEUTICAL SOCIETY NI staff about managing data subject access requests is available on the PHARMACEUTICAL SOCIETY NI's Breathe system:

The right to rectification

Under Article 16 of the GDPR, individuals can ask to have personal data rectified if it is inaccurate or incomplete as to any matter of fact. Requests can be made verbally or in writing. The PHARMACEUTICAL SOCIETY NI will consider and respond to requests as soon as possible and within one month.

Where an individual contests the accuracy of the personal data, the PHARMACEUTICAL SOCIETY NI will restrict the processing until we have verified the accuracy of the personal data.

Where an individual contests the accuracy of their personal data, the PHARMACEUTICAL SOCIETY NI will provide them with a formal response within one month (extended by two months where the request for rectification is complex). In these cases, the data subject will be informed of the timeframe for response to their request.

Where the PHARMACEUTICAL SOCIETY NI decides not to take action in response to a request for rectification, we will explain why to the individual and advise them of their right to complain to the supervisory authority and to a judicial remedy.

Where the PHARMACEUTICAL SOCIETY NI agrees we have processed inaccurate or incomplete personal data and that data has been shared with a third party, the PHARMACEUTICAL SOCIETY NI will advise anyone we have shared the data with.

The right to erasure

Under Article 17 of the GDPR, individuals can also ask (requests can be made verbally or in writing) for their information to be deleted ('the right to be forgotten'). Individuals have a right to have personal data erased and to prevent processing in specific circumstances. These include where personal data is no longer necessary for the purpose it was originally collected, where consent is withdrawn or where an objection is received and there is no overriding legitimate interest for continuing processing.

However, the right to erasure does not provide an absolute 'right to be forgotten'.

The PHARMACEUTICAL SOCIETY NI can refuse to comply with a request for erasure where certain circumstances apply. These include where the PHARMACEUTICAL SOCIETY NI is complying with a legal obligation for the performance of a public interest task or exercise of official authority (the basis on which the PHARMACEUTICAL SOCIETY NI carries out much of its registration, fitness to practise and quality assurance work).

The PHARMACEUTICAL SOCIETY NI will consider and respond to requests as soon as possible and within one month.

The right to object

Under Article 21 of the GDPR, individuals have the right to object to processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (the basis on which the PHARMACEUTICAL SOCIETY NI carries out much of its registration, fitness to practise and quality assurance work).

The PHARMACEUTICAL SOCIETY NI will explicitly inform individuals of their right to object "at the point of first communication" and in our privacy notice.

Where we receive an objection, we will stop processing the personal data unless:

- there are compelling legitimate grounds for the processing which override the interests, rights and freedoms of the individual; or
- the processing is for the establishment, exercise or defence of legal claims.

Where an individual has objected to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), the PHARMACEUTICAL SOCIETY NI will restrict processing of that data while we consider whether the PHARMACEUTICAL SOCIETY NI's legitimate grounds override those of the individual.

The PHARMACEUTICAL SOCIETY NI will consider and respond to objections as soon as possible and within one month.

The right to data portability

Article 20 of the GDPR allows individuals to obtain and reuse their personal data for their own purposes across different services. It allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way.

The right does not apply to processing that is carried out in the public interest or in the exercise of official authority vested in the data controller (the basis on which the PHARMACEUTICAL SOCIETY NI carries out most of its registration, fitness to practise, and quality assurance work).

The PHARMACEUTICAL SOCIETY NI will consider and respond to any requests as soon as possible and within one month.

Rights related to automated decision making including profiling

The GDPR applies to all solely automated individual decision making (i.e. making a decision solely by automated means without any human intervention) and profiling. Article 22 of the GDPR outlines rules to protect individuals where automated decision making has legal or significant effects on them.

The PHARMACEUTICAL SOCIETY NI currently has no solely automated decision making or profiling systems and there are no plans to introduce such systems.

. Review and approval

The policy will be reviewed annually by the DPO. It will be updated and amended prior to that date as necessary.

The policy should be approved by the PHARMACEUTICAL SOCIETY NI's SMT and referred to the Council for noting.

. Related policies

- Data Protection Policy
- Disclosure and Publication Policy
- Information Governance Policy
- Retention policy
- Privacy Notices

Appendix 1

Managing requests for rectification, erasure, objections to processing, or to transfer personal data

1. Requests for rectification, erasure, objections to processing, or to transfer personal data can be made to the Data Protection Officer directly. Their contact details are included in the PHARMACEUTICAL SOCIETY NI's main Privacy statement and in the fair processing information given to people when we collect their personal data. The PHARMACEUTICAL SOCIETY NI's Information Governance Manager is the Data Protection Officer for the purposes of DPA 2018. They can be contacted at mark.neale@psni.org.uk

2. However, requests for rectification, erasure, objections to processing, or to transfer personal data can also be made to anyone at the PHARMACEUTICAL SOCIETY NI in the course of normal business. These requests should also be referred to the Data Protection Officer.

3. Requests will then be logged and co-ordinated centrally by the Information Team who will work with the local business area to come to a decision and formulate a response.

4. Requests for rectification, erasure, objections to processing, or to transfer personal data will be acknowledged and a substantive response will be provided as soon as possible and within one month.

5. Where we are unable to agree to the request we will explain why, explaining the applicable exemption under the Data Protection Act 2018 (where appropriate) and explaining the right of appeal to the Information Commissioner.