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| **Document: DSR-02-**Release V1.4 | **UK GDPR - Data Subject Rights – The Right to Rectification** | 08.02.2024 |
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**Introduction**

The UK GDPR provides for the rights of a natural person over the information that is held on them. The Right to Rectification can be seen to benefit both the data subject and those that manage data and rely upon its accuracy. For the fostering sector, the accuracy of information is of paramount importance; if incorrect data is maintained, incorrect decisions could be made that may have significant consequences.

**Overview**

When a data subject notifies the Data Controller either directly or indirectly via staff, data processors, sub processors etc., a record of the notification should be made and timestamped. The ICO is clear that there is no requirement for a formal template for a rectification request. The Data Controller is responsible for satisfying the request, so it is important that all parties involved in the data management lifecycle are made aware of this procedure. If you have a Data Protection Officer (DPO), they must be informed when rectification requests are made so that they can monitor progress.

**Prerequisites**

In order to fulfil a rectification request, the Data Controller must understand what data is specifically under question. Understanding how the data subject became aware of the inaccuracy will help in the determination of the data source. The responsibility for rectification must fall to a nominated person or their delegate. As there are time limitations, knowledge of data management is essential in order to streamline the process. A data mapping process across the organisation should be performed to help identify where information resides both on-site and with any contracted third parties such as Information Systems providers, this will ensure that any ‘upstream’ or ‘downstream’ data repositories can be corrected.

**Scope & Limitations**

Although the right of the data subject for personal information to be accurately maintained by the Data Controller is enacted within the Data Protection Act 2018, there are considerations that must be made prior to alteration of the information:

* Validation of the requestor’s identity where the request is made in person
* Validation of the data subject’s authority where the request is made by a representative such as a lawyer
* A review of information to ensure that the data in question requires correction

**Rectification of Information**

Information must be rectified only upon consideration of the scope and limitations listed above. Once it is clear that information is held inaccurately and that the requestor is within their rights to rectification, the information must be corrected without delay. The data must be corrected in all services and systems, including paper records to ensure a repeated inaccuracy is avoided.

It is appropriate to advise the requestor once the rectification process is complete.

**Time Frame**

Requests for rectification must be acknowledged promptly, this can be accomplished during the identity verification stage. The overall process should be completed within 28 days from the day after the request is received. If you are unable to correct information directly, for example on a back-up copy of the information that is subject to an overwrite process and where individual records cannot be edited without affecting the integrity of other information, notify the data subject of the technical limitations and record the exception in the central register.

**Procedure**

1. Data subjects must make their request to the Data Controller (this can be any representative of the Data Controller). Where a data subject makes a request to any member of staff, volunteer, contingent worker or third party processor, the request must be directed to the nominated staff member responsible for requests and this direction must be confirmed via a letter or an email to both the data subject and the responsible person. If you have a DPO, they must also be informed of the request and kept informed of the request status throughout the process.
2. The details of the request will be entered in a Data Subject Rights register. This will enable tracking to ensure timelines are adhered to and may be a sub-set of a central Data Subject Rights register.
3. Upon receipt of the request, the data controller must make all reasonable efforts to validate the identity of the requestor to ensure they have a legal right to amendment of the incorrect information as requested.
4. Once the data subject’s identity is validated, the controller will consult with the data subject to verify the data rectification requirement and to determine that the corrected version of the information is, in fact, accurate in itself.
5. The controller will use the services of data processing staff or services to rectify any additional or external copies of the information whether electronic or paper based, unless it falls outside the terms stated in the section headed ‘Scope & Limitations’.
6. Within 28 days of the request, the controller will ensure that all copies of the information under dispute are rectified where technically feasible. Systems that cannot be edited to reflect the required changes will be listed in the central register as exceptions.
7. Where information cannot be rectified within 28 days of the request, the data subject will be notified that additional time is required along with the reason for delay and anticipated time for completion. Where information cannot be rectified due to technical limitations, the data subject will be informed of the lack of completion and that the limitation of the request has been recorded in the central register.
8. The Data Subject Rights register will be updated to conclude the request activity.

The 28-day window to rectify information is a limit and not a target. It is in everyone’s interest to process and manage information that is accurate and up to date. Where changes need to be made, they should be scheduled for correction at the earliest opportunity.