

Requesting access to personal data

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What are my rights?

The Data Protection Act 1998 (DPA) gives individuals a right of access to the personal data which organisations hold about them, subject to certain exemptions (see [What are the exemptions?](#)). Requests for access to personal data are known as **subject access requests**.

If you submit a subject access request to Natural England, 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 purposes for which the data are being processed, and those to whom the data may have been disclosed;
- to be given a copy of the data in an intelligible form, with any unintelligible terms explained;
- to be provided with any information available to Natural England about the source of the data; and
- if you specifically request it, to be given an explanation as to how any automated decisions taken about you have been made.

These rights apply to electronic data, and to "manual" or physical (ie non-electronic) formats, subject to certain limitations in regard to unstructured manual data (see [How has Freedom of Information affected Data Protection?](#)). Further information about your rights under the Data Protection Act is available on the website of the [Information Commissioner](#) (www.ico.gov.uk).

If your request is for information other than information about yourself, such as information about decisions or actions by Natural England, you cannot submit it as a DPA request. See our [Access to Information](#), (www.naturalengland.org.uk/foi/default.htm) pages for details of how to find information using our Freedom of Information Publication scheme, and how to submit a Freedom of Information Act or Environmental Information Regulations request.

How has Freedom of Information affected data protection?

The Freedom of Information Act 2000 (FOIA) has amended the DPA to provide individuals with additional rights in regard to personal data held by public bodies like Natural England. In particular, you can now gain access to "manual" (ie non-electronic) data about you regardless of how the filing or record keeping system containing the data is organised. However, this right is subject to certain limitations:

- If you require access to 'unstructured' manual data (ie data held in a system which is not organized in such a way that specific categories of information about you can be easily located), you must describe the information in a way which allows us to find it. A general request such as "please send me all of the data which you hold about me" is not sufficient, in terms of access to unstructured manual data, and will lead us to contact you for further information.
- We are not obliged to provide you with access to unstructured manual data if the cost of locating and extracting the information would exceed the 'appropriate limit' set by the Access to Information legislation. Further information on the appropriate limit is provided in our guidance on how to submit an Access to Information Act request to.
- The new rights do not apply to data relating to appointments, removals, pay, discipline, superannuation and other personnel matters. For example, we would not have to provide you with access to information held in a paper-format personnel file unless the file was internally structured in such a way that specific categories of information about you could be readily located with a degree of precision similar to a computerised system.

How do I submit a request?

Requests for access to personal data must be in writing. We ask that you complete and return Natural England's subject access request form, which is designed to gather the information which we need to identify you, communicate with you and locate data about you. You can download the form from [here](#). Failure to complete the form could delay processing of your request, as we may need to contact you for further information or clarification.

We will not begin processing your request until you have provided the following:

- Evidence of your identify.
- Evidence of the Data Subject's identity (if different from yours).
- Evidence of Data Subject's consent to disclose to a third party.

We require evidence of identity to ensure that we are releasing data to the correct person. Please supply a photocopy (**not** the original) of one of the following:

- The pages which identify you in your passport.
- Your driving licence.

Please send the completed subject access request form, and proof of identity by post to the [Access to Information Specialist](#).

We will be able to process your request more quickly if you provide us with as much information as possible about the data which you are seeking. For example, if you only want data relating to your employment record, you should indicate this to avoid all data relating to you from being searched.

What happens next?

We will send you an acknowledgement of your request as soon as possible. This will indicate the deadline by when we will send you a response. We may also ask you to provide further information or clarification if we require it to process your request, and may contact you again for additional information or clarification if necessary.

After Natural England receives your request, we must consider it and respond to it. We will respond within our service standards of 20 working days, and in all cases within 40 calendar days of receipt of your request. If we reasonably require further information from you to locate the data which you have requested, we will inform you as soon as possible, and the deadline will be recalculated from the date when we receive the information from you.

Any copies of data which are provided to you must be in permanent form. We will normally send the data on paper to the postal address specified by you on the subject access request form; unless we agree with you that the data can be supplied in a different format. The data may take the form of photocopies, printouts, transcripts or extracts, or a combination of these, depending on what is most appropriate in the circumstances. Although you do not have a right to inspect original documents, we may offer this to you where supplying you with copies of the data would involve disproportionate effort.

If Natural England holds no data about you, you will be informed of this. You will also be informed of any cases where data about you have been withheld and the reasons for this, including the relevant exemptions (see [What are the exemptions?](#)), unless doing so would itself reveal information which would be subject to an exemption.

What are the exemptions?

The DPA 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 Natural England could lawfully 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 data contained in a confidential reference provided by Natural England;
- you have requested data which record Natural England's 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;

If Natural England withholds data from you as a result of an exemption under the DPA, we will explain why the data have been withheld and the relevant exemption, unless doing so would itself disclose information which would be subject to the exemption.

The DPA allows us to refuse to provide you with a copy of your data if the effort in doing so would be disproportionate, or if the same or similar data have already been provided to you and a reasonable interval has not elapsed since your previous subject access request. In addition, if Natural England reasonably requires further information from you in order to locate the data which you have requested, and we inform you of this, we are not required to comply with your request until you supply us with the information.

We have to protect the Data Protection rights and other legal rights of other individuals when we respond to subject access requests. Information which does not relate to you may be 'blacked out' or edited out, particularly if it relates to other individuals.

Can I appeal?

You can ask for an internal review of your case if Natural England refuses your request or you are dissatisfied with the handling of your request. Appeals should be sent to the individual identified in your response letter. However, if this is not possible, then your appeal can be sent to the [Access to Information Specialist](#).

The appeal will be acknowledged, investigated and reconsidered. A response will be sent to you within 20 working days of receipt of your appeal, unless otherwise stated. If it includes a decision that information should be released to you, the information will be provided to you as soon as possible.

If you are dissatisfied with Natural England's response to your appeal, you can apply to the Information Commissioner for an assessment as to whether Natural England has processed your data in accordance with the Data Protection Act. The Commissioner can be contacted at the following address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700
Email: mail@ico.gsi.gov.uk
Website: www.ico.gov.uk

Can I re-use the data?

The copyright of any information which is supplied to you will be owned by Natural England unless otherwise indicated. The supply of information under the DPA does not give you an automatic right to re-use the information in a way which would infringe copyright, for example, by making multiple copies, publishing and issuing copies to the public.

Brief extracts of any material which is supplied to you may be reproduced under the fair dealing provisions of the Copyright, Designs and Patents Act 1988 (sections 29 and 30) for the purposes of research for non-commercial purposes, private study, criticism, review and news reporting.

Commercial re-use must only be carried out with prior written permission from Natural England or the copyright owner if copyright is not owned by Natural England. Otherwise, re-use is likely to infringe copyright. Enquiries about commercial re-use of material should be directed to the [Access to Information Specialist](#).

Where can I get advice?

Further information about how Natural England aims to protect the rights of individuals under the DPA is provided in our Data Protection Policy. If you require advice or assistance, please contact:

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Natural England
Block B Government Buildings
Whittington Road
Worcester
WR5 2LQ
Tel: 01905 363431
Fax: 01905 363429

Email: enquiries@naturalengland.org.uk

Information about your rights under the DPA and how to submit a subject access request is available on the website of the [Information Commissioner](http://www.ico.gov.uk), (www.ico.gov.uk). Other organisations, such as the [Citizens Advice Bureau](http://www.citizensadvice.org.uk) (www.citizensadvice.org.uk), may also be able to assist you in developing a subject access request.