

GDPR Subject Access Request Policy

1.0 Background

The General Data Protection Regulation introduces the 'right of access' for individuals and from 25 May 2018 data subjects (for example, residents) will have the right to request:

- Confirmation that their data is being processed
- Access to their personal data, and
- Other supplementary information (mostly the information provided in the council's privacy notice)
- Note 63 of the GDPR states, 'a data subject should have the right of access to personal data which have been collected concerning him or her, and to exercise that right easily and at reasonable intervals, in order to be aware of, and verify, the lawfulness of the processing.'

1.1 It is important that the council has an established procedure for managing requests so that they are compliant with the law, and can satisfy the request being made of them. GDPR states that individuals must be supplied with all relevant data within one month of receipt of the request. If more time is needed to respond to complex requests, an extension of another two months is permissible, provided this is communicated to the data subject in a timely manner within the first month. If the council cannot provide the information requested, it should inform the data subject on this decision without delay and at the latest within one month of receipt of the request. No fee is chargeable for supplying the information.

2.0 What is the right of access?

The right of access, commonly referred to as subject access, gives individuals the right to obtain a copy of their personal data as well as other supplementary information. It helps individuals to understand how and why the council is using their data, and check it is doing it lawfully.

An individual is only entitled to their own personal data, and not to information relating to other people (unless the information is also about them or they are acting on behalf of someone).

3.0 What must the parish council do?

- On receipt of a subject access request you must forward it immediately to the parish clerk.
- They must correctly identify whether a request has been made under the Data Protection legislation
- The Clerk or as appropriate, councillor, who receives a request to locate and supply personal data relating to a SAR must make a full exhaustive search of the records to which they have access.
- All the personal data that has been requested must be provided unless an exemption can be applied.
- We must respond within one calendar month after accepting the request as valid.
- Subject Access Requests must be undertaken free of charge to the requestor unless the legislation permits reasonable fees to be charged.
- Councillors and the Clerk must ensure that the staff they manage are aware of and follow this guidance.
- Where a requestor is not satisfied with a response to a SAR, the council must manage this as a complaint.

4.0 How must we do it?

4.1 Notify Parish Clerk upon receipt of a request.

4.2 The Clerk must ensure a request has been received in writing where a data subject is asking for sufficiently well-defined personal data held by the council relating to the data subject. Clerk should clarify with the requestor what personal data they need. They must supply their address and valid evidence to prove their identity. The council will accept the following forms of identification:

- Current UK/EEA Passport
- UK Photocard Driving Licence (Full or Provisional)
- Firearms Licence / Shotgun Certificate
- EEA National Identity Card
- Full UK Paper Driving Licence
- State Benefits Entitlement Document*
- State Pension Entitlement Document*
- HMRC Tax Credit Document*
- Local Authority Benefit Document*
- State/Local Authority Educational Grant Document*
- HMRC Tax Notification Document
- Disabled Driver's Pass
- Financial Statement issued by bank, building society or credit card company+
- Judiciary Document such as a Notice of Hearing, Summons or Court Order
- Utility bill for supply of gas, electric, water or telephone landline+
- Most recent Mortgage Statement
- Most recent council Tax Bill/Demand or Statement
- Tenancy Agreement
- Building Society Passbook which shows a transaction in the last 3 months and your address

* These documents must be dated in the past 12 months, +These documents must be dated in the past 3 months.

4.3 Depending on the degree to which personal data is organised and structured, Clerk will need to search emails (including archived emails and those that have been deleted but are still recoverable), Word documents, spreadsheets, databases, systems, removable media (for example, memory sticks, floppy disks, CDs), tape recordings, paper records in relevant filing systems etc. which your area is responsible for or owns.

Council must not withhold personal data because they believe it will be misunderstood; instead, they should provide an explanation with the personal data. Data must be provided in an "intelligible form", which includes giving an explanation of any codes, acronyms and complex terms. The personal data must be supplied in a permanent form except where the person agrees or where it is impossible or would involve undue effort. You may be able to agree with the requester that they will view the personal data on screen or inspect files on our premises. You must redact any exempt personal data from the released documents and explain why that personal data is being withheld.

5.0 How will we ensure compliance?

- Making this clear on forms and on the council website (it is included in the council's General Privacy Notice)
- Through the use of induction, performance and training, as well as through establishing and maintaining appropriate day to day working practices. This applies to paid staff and councillors.
- A database is maintained allowing the council to report on the volume of requests and compliance against the statutory timescale.

- When responding to a complaint, we must advise the requestor that they may complain to the Information Commissioners Office (“ICO”) if they remain unhappy with the outcome.

References

Complaints Policy

Training policy for new staff and Councillors

Author: John Hesketh, Parish Clerk & Data Protection Officer

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