

Horrabridge Parish Council

Subject Access Request Policy

Background Information

Data subjects must be told of their right to access data and an easily accessible mechanism through which such a request can be submitted must be made available.

Horrabridge Parish Council has adopted a Subject Access Request Policy (SAR) which details the internal procedures to be taken on receipt of an SAR. The policy contains details of:

- Responsibilities (who, what)
- Timings
- Changes to data
- Handling requests for rectification, erasure or restrictions of processing
- Ensuring personal data is easily accessible at all times in order to ensure a timely response to SARs and that personal data on specific data subjects can be easily filtered.

On receipt of a SAR Horrabridge Parish Council will verify whether or not they are the controller of the data subject's personal data. If the Council is not a controller, but merely a processor, the data subject will be notified and referred to the actual controller.

The Clerk will verify the identity of the data subject and if needed, any further evidence will be requested. The access request will be verified; Is it sufficiently substantiated? Is it clear to the data controller what personal data is requested? If not, additional information may be requested. Requests found to be unfounded or excessive (in particular because of their repetitive character) may be refused or a reasonable fee charged.

Receipt of the SAR will be promptly acknowledged, and the data subject advised of any costs involved in the processing of the SAR.

It will be verified whether or not Horrabridge Parish Council processes the data requested. If it is established that the Council does not process any data, the data subject will be informed accordingly. At all times the SAR policy will be followed and progress monitored.

Data will not be changed as a result of the SAR, although routine changes as part of the processing activities concerned are permitted.

Any data found to include data about other data subject be filtered and removed before the requested data is supplied. If data cannot be filtered, any other data subjects must consent to the supply of their data as part of the SAR before it is released.

A response to a SAR will be made within one calendar month of receipt of the request.

If more time is needed to respond to complex requests, an extension of another two months is permissible, providing that this is communicated to the data subject within a month of the request.

If the Council cannot provide the information requested, the data subject will be informed of this decision without delay and within one month of receipt of the request.

If a SAR is submitted in electronic form, any personal data will, where possible, be provided by electronic means.

If data on the data subject is processed, the following will be included as a minimum in the response:

- the purposes of the processing;
- the categories of personal data concerned;
- the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data, such as Binding Corporate Rules¹ or EU model clauses²;
- where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
- the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- the right to lodge a complaint with the Information Commissioners Office (“ICO”);
- if the data has not been collected from the data subject: the source of such data; the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
- a copy of the personal data undergoing processing.

Policy and Procedure

On receipt of a subject access request it must be forwarded immediately to the Clerk who will;

- identify whether a request has been made under the General Data Protection Regulations,
- verify the request as valid,
- acknowledge receipt of the request,
- instigate a search to locate the data

A member of staff, or Councillor, who receives a request from the Clerk 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 of the personal data that has been requested must be provided unless an exemption can be applied.

A response will be sent 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.

The Clerk must ensure that the staff members and Councillors are aware of and follow this guidance.

¹ “Binding Corporate Rules” is a global data protection policy covering the international transfer of personal data out of the European Union. It requires approval of a data protection regulator in the European Union. In most cases this will be the relevant regulator where an organisation’s headquarters is located. In the UK, the relevant regulator is the Information Commissioner’s Office.

² “EU model clauses” are clauses approved by the European Union which govern the international transfer of personal data. The clauses can be between two data controllers or a data controller and a data processor.

Where a requestor is not satisfied with a response to a SAR, Horrabridge Parish Council will manage this as a complaint and follow the Complaints Policy and Procedure.

On Receipt of a SAR

The Clerk will 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. Clarification with the requestor what personal data they need may be required. The requestor must supply their address and valid evidence to prove their identity.

Horrabridge Parish Council will accept the following forms of identification (* these documents must be dated in the past 12 months, +these documents must be dated in the past 3 months):

- 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

Depending on the degree to which personal data is organised and structured, searches for data will include emails (including archived emails), word documents, spreadsheets, databases, systems, removable media devices (for example, memory sticks, floppy disks, CDs), tape recordings, paper records in relevant filing systems etc. within Council owed systems.

Personal data will not be withheld because it is believed it will be misunderstood; instead, an explanation should be provided along 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 requestor that they will view the personal data on screen or inspect files on Council premises. You must redact any exempt personal data from the released documents and explain why that personal data is being withheld.

A database allowing the Council to review the volume of requests and compliance against the statutory timescale will be maintained by the Clerk.

When responding to a complaint, the requestor will be advised that they may complain to the Information Commissioners Office ("ICO") if they remain unhappy with the outcome.

All letters must include the following information, see templates at Appendix A:

- the purposes of the processing;
- the categories of personal data concerned;
- the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data, such as Binding Corporate Rules³ or EU model clauses⁴;
- where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
- the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- the right to lodge a complaint with the Information Commissioners Office (“ICO”);
- if the data has not been collected from the data subject: the source of such data;
- the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

³ “Binding Corporate Rules” is a global data protection policy covering the international transfer of personal data out of the European Union. It requires approval of a data protection regulator in the European Union. In most cases this will be the relevant regulator where an organisation’s headquarters is located. In the UK, the relevant regulator is the Information Commissioner’s Office.

⁴ “EU model clauses” are clauses approved by the European Union which govern the international transfer of personal data. The clauses can be between two data controllers or a data controller and a data processor.

Template Letters**Replying to a subject access request providing the requested personal data**

Dear [Name of data subject]

Data Protection subject access request

Thank you for your letter of [date] making a data subject access request for [subject]. We are pleased to enclose the personal data you requested.

Include 1(a) to (h) above.

Copyright in the personal data you have been given belongs to the Council or to another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Yours sincerely

Release of part of the personal data, when the remainder is covered by an exemption

Dear [Name of data subject]

Data Protection subject access request

Thank you for your letter of [date] making a data subject access request for [subject]. To answer your request we asked the following areas to search their records for personal data relating to you:

[List the areas]

I am pleased to enclose [some/most] of the personal data you requested. [If any personal data has been removed] We have removed any obvious duplicate personal data that we noticed as we processed your request, as well as any personal data that is not about you. You will notice that [if there are gaps in the document] parts of the document(s) have been blacked out. [OR if there are fewer documents enclose] I have not enclosed all of the personal data you requested. This is because [explain why it is exempt].

Include 1(a) to (h) above.

Copyright in the personal data you have been given belongs to the Council or to another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published, or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Yours sincerely

Replying to a subject access request explaining why you cannot provide any of the requested personal data

Dear [Name of data subject]

Data Protection subject access request

Thank you for your letter of [date] making a data subject access request for [subject].

I regret that we cannot provide the personal data you requested. This is because [explanation where appropriate].

[Examples include where one of the exemptions under the data protection legislation applies. For example the personal data might include personal data is 'legally privileged' because it is contained within legal advice provided to the Council or relevant to on-going or preparation for litigation. Other exemptions include where the personal data identifies another living individual or relates to negotiations with the data subject. Your data protection officer will be able to advise if a relevant exemption applies and if the Council is going to rely on the exemption to withhold or redact the data disclosed to the individual, then in this section of the letter the Council should set out the reason why some of the data has been excluded.]

Yours sincerely