

Upton Parish Council

Subject Access Request Policy & Procedures

April 2018 – next review date May 2019

1. Upon receipt of a Subject Access Request (SAR), the Council will be notified of the request immediately and will formally instruct the data controller of the action to be taken according to approved procedures and legislation. The Council will:-

- Verify the identity of the data subject requesting access;
- Verify the access request i.e. is it substantiated; clear what is requested;
- Verify whether requests are unfounded or excessive – the Council may refuse to act on the request or charge a reasonable fee;
- The Council will promptly acknowledge receipt of the SAR;
- Verify whether the Council processes such data – if not the data subject will be advised accordingly;
- A member of staff and / or, as appropriate, Councillor, must make a full exhaustive search of the records to which they have access;
- Provide personal data unless an exemption can be supplied within one calendar month after accepting the request as valid;
- Provide information free of charge unless the legislation permits reasonable charges to be charged;
- Data should not be changed as a result of the SAR, however, routine changes as part of the processing activities concerned are permitted;
- Verify whether the data involves data on other data subjects and ensure that data is filtered before the requested data is supplied to the data subject. If data cannot be filtered, ensure that other data subjects have consented to the supply of their data as part of the SAR.
- Where a requestor is not satisfied with a response to a SAR, the Council must manage this as a complaint.

2. Responding to a SAR within 1 month after receipt of the request. The Council will:-

- Advise the data subject within one month of the request if an extension is required to respond to complex requests (another 2 months is permissible);
- Advise the data subject if the Council cannot provide the information within one month of the receipt of the request;
- Respond, ideally, by electronic means if a SAR is submitted electronically;
- If data on the data subject is processed it should include the following:-
 - I. The purpose of the processing;
 - II. The categories of the personal data concerned;
 - III. The recipients or categories of recipients to whom personal data has been or will be disclosed;
 - IV. The envisaged period for which personal data will be stored or the criteria used to determine that period (see Upton Parish Council Record Retention Policy);
 - V. 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;

- VI. The right to lodge a complaint with the Information Commissioners Office;
 - VII. If the data has not been collected from the data subject the source of such data;
 - VIII. The existence of any automated decision making, including profiling and any meaningful information and significance of the consequences of such processing for the data subject.
- Provide a copy of the personal data undergoing processing.

3. Procedure for how must the Council respond:-

- I. Notify the Council of a request;
- II. Verify identity of the requestor:- The Council will accept 2 the following forms of identification (dated within the past 3 months) – Current UK/EEA Passport
 - UK photocard Driving Licence (Full or Provisional)
 - EEA National Identity Card
 - Financial Statement
 - Utility Bill
 - Most recent mortgage statement
 - Most recent council tax bill
 - Tenancy agreement
- III. Emails (including archived emails, deleted but are still recoverable); word documents; spreadsheets; databases; systems; removable media; tape recordings; paper records in relevant filing systems will be searched;
- IV. Personal data cannot be withheld because you believe it will be misunderstood: instead, you should provide an explanation with the personal data. Personal data must be provided in an intelligible form. An explanation of any codes, acronyms and complex terms. Data must be supplied in a permanent form except where the person agrees or where it is impossible or would involve undue effort. You must redact any exempt personal data from the released documents and explain what data is being withheld.
- V. A database is maintained allowing the council to report on the volume of requests and compliance against the statutory timescale;
- VI. When requesting to a complaint the council will advise the requestor that they may complain to the ICO if they remain unhappy with the outcome.

4. All letters will include the following:-

- I. The purposes of the processing;
- II. The categories of the personal data concerned;
- III. The recipients or categories of recipients to whom personal data has been or will be disclosed;
- IV. The period for which personal data will be stored (Upton Parish Council Document Retention Policy);
- V. The existence of the right to request rectification or erasure of personal data or restriction of processing;
- VI. The right to lodge a complaint with the ICO;
- VII. If the data has not been collected from the data subject the source of such data;
- VIII. The existence of any automated decision making.

5. Replying to SAR providing the requested personal data:-

Dear (SAR Requestor),

Thank you for your letter of (date) making a data subject access request for (subject). Upton Parish Council are pleased to enclose the personal data you requested.

(Include I – VIII section 4 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,

6. Release of part of the personal data, when the remainder is covered by an exemption:-

Dear (SAR Requestor),

Thank you for your letter of (date) making a data subject access request for (subject). To answer our request we searched our records for personal data relating to you:-

(List the areas searched).

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 enclosed) I have not enclosed all of the personal data you requested. This is because (explain why it is exempt).

(Include I – VIII section 4 above).

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Yours sincerely,

7. Replying to a SAR explaining why we cannot provide any of the requested personal data:-

Dear (SAR Requestor),

Thank you for your letter of (date) making a data subject access request for (subject).

I regret 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 which 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 will set out the reason why some of the data has been excluded).

References:-

- Information Commissioners Office;
- National Association of Local Councils;
- Society of Local Council Clerks;
- Northamptonshire Association of Local Council Clerks.