

Broomhaugh & Riding Parish Council

Subject Access Request Policy

This policy was adopted by the Broomhaugh & Riding Parish Council in order to comply with the requirements of the General Data Protection Regulations (GDPR), in force on 25 May 2018

Data subjects have the right to access personal data held on them by the Council. Details are set out in the Privacy Notice on the Council's website.

This policy is in place to ensure that internal procedures on handling of Subject Access Requests (SARs) are accurate and complied with and includes:

- (1) Responsibilities (who, what)
- (2) Timing
- (3) Changes to data
- (4) Handling requests for rectification, erasure or restriction of processing.

The Council will ensure that 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. To this end, the Council maintains a data map that identifies where all data in Broomhaugh & Riding Parish Council is stored.

The Council has implemented standards on responding to SARs.

1. Upon receipt of a SAR

- (a) The data subject will be informed who at the Council to contact, the Data Controller.
- (b) The identity of the data subject will be verified and if needed, any further evidence on the identity of the data subject may be requested.
- (c) 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 will be requested.
- (d) Requests will be verified as to them being unfounded or excessive (in particular because of their repetitive character); if so, the Council may refuse to act on the request or charge a reasonable fee.
- (e) Receipt of the SAR will be promptly acknowledged and the data subject will be informed of any costs involved in the processing of the SAR (1(d) refers).
- (f) Whether the Council processes the data requested will be verified. If the Council does not process any data, the data subject will be informed accordingly.
- (g) Data will not be changed as a result of the SAR. Routine changes as part of the processing activities concerned may be permitted.
- (h) The data requested will be verified to establish if it involves data on other data subjects. This data will be filtered before the requested data is supplied to the data subject; if data cannot be filtered, other data subjects will be contacted to give consent to the supply of their data as part of the SAR.

2. Responding to a SAR

- (a) The Council will respond to a SAR within one calendar month after receipt of the request:
 - (i) If more time is needed to respond to complex requests, an extension of another two months is permissible, and this will be communicated to the data subject in a timely manner within the first month;
 - (ii) if the council cannot provide the information requested, it will inform the data subject on this decision without delay and at the latest within one month of receipt of the request.
- (b) If a SAR is submitted in electronic form, any personal data will be preferably provided by electronic means as well.
- (c) If data on the data subject is collected and used (known as processing) the Council will ensure as a minimum the following information in the SAR response:
 - (i) the purposes of the processing;
 - (ii) the categories of personal data concerned;
 - (iii) 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 Rules or EU model clauses
 - (iv) where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
 - (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 (“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, 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.
- (d) Provide a copy of the personal data undergoing processing.

Implementing the Subject Access Requests Policy – Council Checklist on what **MUST** be done

On receipt of a subject access request it must be **forwarded** immediately to the Clerk, who acts as the Data Protection Officer for the Council and who will **identify** whether a request has been made under the Data Protection legislation

1. A member of staff, and 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.

2. All the personal data that has been requested must be provided unless an exemption applies. (This will involve a search of emails/recoverable emails, word documents, spreadsheets, databases, systems, removable media (for example, memory sticks, floppy disks, CDs), tape recordings, paper records in relevant filing systems.)
3. A response must be provided within one calendar.
4. SARs must be undertaken free of charge to the requestor unless the legislation permits reasonable fees to be charged.
5. The Council must provide where necessary an explanation with the personal data in an "intelligible form", which will include giving an explanation of any codes, acronyms and complex terms. The personal data will be supplied in a permanent form except where the requestor agrees or where it is impossible or would involve undue effort. Any exempt personal data will be redacted from the released documents with explanation why that personal data is being withheld.
6. The Council 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. What personal data is needed will be clarified with the requestor, who must supply their address and valid evidence to prove their identity. The Council accepts 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
7. A record of requests for data and of its receipt, including dates will be kept by the Clerk.
8. The Clerk will review all provided documents to identify whether any third parties are identified in it and will either excise all identifying third party information from the documentation or obtain consent from the third party for their identity to be revealed.
9. If the data falls under one of the following exemptions it does not have to be provided:
 - Crime prevention and detection
 - Negotiations with the requester
 - Management forecasts

- Confidential references given by the Council (not ones given to the Council)
- Information used for research, historical or statistical purposes
- Information covered by legal professional privilege.

10. Where a requestor is not satisfied with a response to a SAR, the Council must manage this as a complaint under the Council's Complaints Policy. If the requestor is dissatisfied with the handling of the request or complaint, they have a right to appeal to the Information Commissioner. There is no charge for making an appeal.

Information Commissioner's Office on 0303 123 1113 or via email
<https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.