

Sourton Parish Council

Subject Access Request (SAR) Policy

In order to comply with the requirements of the General Data Protection Regulations (GDPR), 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 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.

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, this should be the Data Controller, who is the Parish Council, this policy delegates authority to the Parish Clerk to be the contact for the receipt and dealing of SARs.
- 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.
- 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. At all times, the internal SAR procedure will be followed, and progress may be monitored.
- 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:
 1. 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.
 2. 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 processed, the Council will ensure as a minimum the following information in the SAR response:
 1. The purposes of the processing.
 2. The categories of personal data concerned.
 3. 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.
 4. Where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period.
 5. 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.
 6. The right to lodge a complaint with the Information Commissioners Office (“ICO”).
 7. If the data has not been collected from the data subject: the source of such data.
 8. 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 – Checklist on what MUST be done

On receipt of a subject access request, it must be forwarded immediately to the Parish Clerk, who will identify whether a request has been made under the Data Protection legislation

1. 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 month after accepting the request as valid.
4. Subject Access Requests must be undertaken free of charge to the requestor unless the legislation permits reasonable fees to be charged.
5. Councillors and the Parish Clerk must ensure that they are aware of and follow this guidance.

6. 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. Agreement may be sought with the requestor that they will view the personal data on screen or inspect files on Council premises. Any exempt personal data will be redacted from the released documents with explanation why that personal data is being withheld.
7. 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 may be asked to supply their address and valid evidence to prove their identity. The Council accepts 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):

8. 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. The Council must advise the requestor that they may complain to the Information Commissioners Office (“ICO”) if they remain unhappy with the outcome.

Reporting to the Data Controller (The Council)

The Data Controller is responsible for responding to a SAR under GDPR. This policy delegates authority to the Parish Clerk to deal with SAR’s on behalf of the Data Controller. The Parish Clerk will report to the Data Controller any SARs received and provide details of compliance against the statutory timescales.

3. Asking for copies of your data

You have the right to ask for copies of your personal data we store and use. This is your right of access, also known as making a subject access request or SAR. We will normally respond at the latest within one calendar month of receiving your request. There may be times where we need longer, or we may need to charge a reasonable fee for admin costs. We will let you know if this is the case.

You don't have to use this form to ask for copies of your data but it's helpful for us to know what you are looking for so we can respond fully and promptly.

Please send your completed form to us using the contact details at the bottom of the page. You can read more about your right of access by visiting: <https://ico.org.uk/your-data-matters/your-right-to-get-copies-of-your-data/>

1. Who's making this request?

We are asking for your contact details so we can send your response and discuss your request with you (if needed). You only need to give us the relevant details. For example, you only need to give us your postal address if you would like us to respond by post or if you think it would help us identify you. We may ask you for proof of ID if we feel it's reasonable and proportionate. The timescale for responding to your request will start when we receive this.

Your name:

Contact Number:

Email address:

Postal address:

Are you making this request on behalf of someone else?

Yes

No (please move onto section three)

2. Please provide contact details of the person you are making the request for.

If you are making the request on behalf of someone else, we need to know who they are and their contact details in case we need to get in touch.

Name of the other person:

Contact Number:

Email address:

Postal address:

Other contact information for the person you are making the request for.

You also need to give us proof of your authority to act on their behalf. For example, this could be written authorisation from them or a relevant power of attorney.

Please send proof of authority together with this form when you make your request.

Yes I've got proof of my authority to act on someone else's behalf, and I'll include it with my form. (Please move to section four.)

No I haven't got any proof of authority yet but will send it at a later date. I understand you can't action my request until you receive this information

3. How would you like us to respond to you?

We'll try and respond to you in the way that suits you. Please let us know if you need us to make any adjustments for you e.g. large font.

Email Post Other (please specify)

4. What personal data are you requesting?

If you know exactly what personal data you're looking for, it's helpful if you let us know. For example, if you need a specific email, we could search for this using a particular word or phrase.

Briefly describe your request

5. **Is there a date range of the personal data you're asking for?** It's helpful if you're as specific as possible about your request.

Date from:

Date to:

6. Can you tell us anything else to help us with our search?

If there's anything else of relevance you can tell us to help us identify you or the data you're requesting, please include this here.

Thank you. We'll be in touch. If you'd like more information about how we use your data, have a look at our privacy notice.

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