

Adopted 15 September 2021

STELLING MINNIS PARISH COUNCIL SUBJECT ACCESS REQUEST POLICY

Under the GDPR, any person (referred throughout as 'data subject(s)') for whom the Parish Council holds personal data has the right to request information about the personal data held. This is similar to the previous law, however, under the new regime councils must respond without undue delay and in any case within one calendar month upon receipt of the request.

1. On receipt of a subject access request you must forward it immediately to The Parish Clerk. Any request must be received in writing.
2. The Clerk must then correctly identify whether a request has been made under the Data Protection legislation.
 - a. Verify whether you are controller of the data subject's personal data. If you are not a controller, but merely a processor, inform the data subject and refer them to the actual controller.
 - b. Verify whether requests are unfounded or excessive (in particular because of their repetitive character); if so, you may refuse to act on the request or charge a reasonable fee
3. 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. The council accepts the following forms of identification;
Current UK/EEA Passport
UK Photocard Driving Licence (Full or Provisional)
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*
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

Note that: Documents marked * must be dated in the past 12 months,
Documents marked + must be dated in the past 3 months
4. Depending on the degree to which the relevant personal data is organised and structured, a search will include 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, backup), paper records in relevant filing systems etc. which your area is responsible for or owns.
5. Provide all the personal data that has been requested unless an exemption can be applied;
 - a. Note: Personal data must not be withheld because it's believed that it will be misunderstood; instead, an explanation should be provided with the personal data. Personal 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.

- b. Verify whether you process the data requested. If you do not process any data, inform the data subject accordingly. At all times make sure the internal SAR policy is followed and progress can be monitored.
 - c. Ensure data will not be changed as a result of the SAR. Routine changes as part of the processing activities concerned are permitted.
 - d. Verify whether the data requested also involves data on other data subjects and make sure this 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.
6. Respond within one calendar month after accepting the request as valid.
 - a. 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;
 - b. 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.
 7. If a SAR is submitted in electronic form, any personal data should preferably be provided by electronic means as well.
 8. Undertake the SAR free of charge unless there are grounds for charging. This should only be considered with the express approval of the Chairman.
 9. Where a requestor is not satisfied with a response to a SAR, the council must manage this as a complaint under the Complaints Policy.

How to Respond to an SAR

If data on the data subject is processed, 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.

Provide a copy of the personal data undergoing processing.

Replying to a subject access request providing the requested personal data

[Name]

[Address]

[Date]

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.

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

[Name]

[Address]

[Date]

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].

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

[Name]

[Address]

[Date]

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