

WETHERSFIELD PARISH COUNCIL

SUBJECT ACCESS REQUEST POLICY

What must I do?

1. **MUST:** On receipt of a subject access request forward it immediately to the Data Protection Officer
2. **MUST:** correctly identify whether a request has been made under the Data Protection legislation.
3. **MUST:** a member of staff, and as appropriate, councillor, who receives a request to locate and supply personal data relating to a subject access request (SAR) must make a full exhaustive search of the records to which they have access.
4. **MUST:** provide all the personal data that has been requested unless an exemption can be applied.
5. **MUST:** respond within one calendar month after accepting the request as valid.
6. **MUST:** be undertaken free of charge to the requestor unless the legislation permits reasonable fees to be charged.
7. **MUST:** were the person requesting is not satisfied with a response to a the SAR, manage this as a complaint.

How must I do it?

1. Notify the Data Protection Officer upon receipt of a request.
2. 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. You should clarify with the requestor what personal data they need.

They must supply their address and valid documentary evidence to prove their identity through one of the following current forms of identification:

- Current UK/EEA Passport
- UK Photocard Driving Licence (Full or Provisional)
- Firearms Licence / Shotgun Certificate •
- EEA National Identity Card
- Disabled Driver's Pass
- Financial Statement issued by bank, building society or credit card company
- Utility bill for supply of gas, electric, water or telephone landline
- Most recent council Tax Bill
- Tenancy Agreement

3. Depending on the degree to which personal data is organised and structured, you will need to search 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, CDs), tape recordings, paper records in relevant filing systems etc. which your area is responsible for or owns.

4. You must not withhold personal data because you believe it will be misunderstood; instead, you should provide an explanation with the personal data. You must provide the personal data in an “intelligible form”, which includes 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. It may be possible to agree with the person requesting the data that they will view it 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.
5. Make this clear on forms and on the council website.
6. A database should be maintained allowing the council to report on the volume of requests and compliance against the statutory timescale.
7. When responding to a complaint, we must advise the person requesting the data that they may complain to the Information Commissioners Office (“ICO”) if they remain dissatisfied with the outcome.

Sample letters

All letters must include the following information:

- 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 clauses.
- 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 and 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;

This Notice was last updated on: 31st December 2018