



SUBJECT ACCESS REQUEST PROCEDURE

Re-adopted 13th May 2024 – Minute no 0199/24

What is a Subject Access Request?

An individual is entitled to exercise their rights to obtain information that is held about them under the General Data Protection Regulation 2016.

This process is known as a Subject Access Request (SAR). It is generally used by individuals to verify the information that an organisation holds on them – to check that it is accurate, to understand what it is used for and who it might be shared with, and occasionally as a pre-cursor to legal action.

1: Identifying a SAR

- Any written enquiry that asks for information the Parish Council holds about the person making the request can be considered as a SAR, but in many cases there will be no need to treat it as such:
- Can it be dealt with in the normal course of business? If so then do so promptly
- If however the Clerk believes it to be a SAR, then it will be dealt with as per the steps below:
- The enquiry will be logged # so that progress can be tracked – details to include: the date of receipt, identity of the data subject, summary of the request, indication of whether the Parish can comply, date information is sent to the data subject.

2: Dealing with a SAR

- Verify whether the Council is the controller of the data subject's personal data. If the Council is merely the processor, inform the data subject and refer them to the actual controller.
- Verify the identity of the data subject; if needed, request any further evidence of their identity: a driving licence, identity card, passport or utility bill. The document provided must be the original and not a copy. Do not retain electronic or paper copies. Record, which document was presented.
- Occasionally a request will be made by an individual on behalf of someone else, for instance someone who has power of attorney, or a solicitor or another individual who has been appointed by the data subject. The person so appointed to provide an original letter of authorisation.
- Verify the request, ensure it is clear what is being asked for. Request additional information to identify any information that meets the request.
- Verify whether the request is unfounded or excessive (in particular because of its repetitive nature); if so, the Council may refuse to act on the request or could charge a reasonable fee.
- Promptly acknowledge receipt of the SAR and inform the data subject of any costs involved in processing it. The Council is not allowed to charge a fee under GDPR, but there are some types of records that attract a charge.
- Verify whether the Council process the data requested. If not, inform the data subject accordingly. Ensure the record is updated to monitor progress.

- No changes can be made to any data that meets the request once it has been received (such as deletion of anything that might be embarrassing). It is a criminal act to do so, and could lead to prosecution. However:
- Verify whether the data requested includes the personal data of third parties. Ensure any such data is redacted before it is sent out. If this is not possible, ensure that the other data subjects have consented to the supply of their data as part of the SAR process

3: Responding to a SAR

- The Council must respond within one month of receipt of the request
 - if more time is needed because the response is complex, an extension of up to two months is permissible, provided this is communicated to the data subject in a timely manner within the first month.
- If the Council does not act on the request and refuses on acceptable grounds, it will inform the data subject of this decision without delay, and at the latest within one month of receipt of the request.
- If the request is submitted electronically, any information should preferably be provided by electronic means as well.
- If you the Council does process the individual's personal data, ensure to include as a minimum, the following information in the response:
 - 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 Rules or EC 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 rights of the individual to request rectification or erasure of personal data (known as 'the right to be forgotten') or restriction of processing of the individual's personal data, or the right of the individual to object to such processing;
 - the right to lodge a complaint with the Information Commissioner;
 - if the data has not been collected from the data subject, the source of such data – obtained from another third party, collected from a website for example, unless the data subject already knows this;
 - 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.
- The Council will provide a copy of the personal data in permanent format. If the original request was submitted electronically, then the information will be provided in a commonly used electronic format such as pdf or csv.
- Any abbreviations or complex codes that the data subject might not understand will be explained.

Appendix A

Replying to a subject access request providing the requested personal data

Appendix B

Release of part of the information where the remainder is covered by an exemption

Appendix C

Replying to a subject access request explaining why you cannot provide any of the requested personal data

Appendix D

Form describing data

Replying to a subject access request providing the requested personal data

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.

Include details as per

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

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 searched 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 enclose] We have not enclosed all of the personal data you requested. This is because [explain why it is exempt].

Include 6(a) to (h) 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

Replying to a subject access request explaining why you cannot provide any of the requested personal data

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 that 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. The Clerk (and DALC) 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

Form describing data

How to make a request for your information

Under the General Data Protection Regulation (GDPR) you are entitled to ask for access to personal information that we may hold about you. This form will assist you in making a request for your information. It is not compulsory to complete the form, but if you do it will help us to locate the information much more quickly. The information that you provide on this form will be treated in confidence.

SECTION 1 PROOF OF IDENTIFICATION

We cannot release information without the right authority to do so. This means that your identity and authority as the person making the request must be verified.

1a. Are you the data subject (the person whom the information is about)? Please tick.

Yes No

If no, please go to 1b

Please provide **original** proof of identity bearing your name **ie driving licence, passport, birth certificate (or certified copy), identity card, or an official letter such as from a utility company**. These will be returned to you by recorded delivery. Please tick to state which proof of identity you are enclosing.

1. Birth certificate, passport, identity card, or driving licence

2 Official letters such as utility bill

1b Are you acting on behalf of the data subject with their written or other legal authority?

Yes No

If yes, please state your relationship with the data subject **ie parent, legal guardian/carer, solicitor**

Please provide proof that you are legally authorised to do this **ie letter of authority or official forms addressed to you on behalf of the data subject**. These will be returned to you by recorded delivery. We reserve the right to request further proof of authority if required.

Please state below what form of proof of authority you have enclosed.

**GENERAL DATA PROTECTION REGULATION SUBJECT ACCESS REQUEST FORM
SECTION 2 DETAILS OF THE DATA SUBJECT**

2a. Details of the Data Subject

Surname:

Forename/s:

Any Previous or alternative name/s:

Current Address:

Surname:

Forename:

House/flat number and street:

Town/City:

County:

Post code:

Tele no:

Please provide details of any previous addresses which you feel may be of assistance to this request.

If you are the data subject, please go to Section 3.

2b. If you are making the request on behalf of the data subject, the details will be sent to you with a copy to the data subject (unless you ask for us not to do this). In order for us to send the information to you please complete the details below:

Surname:

Forename:

Name of Solicitor/s - if applicable:

House/flat number and street:

Town/City:

County:

Post code:

Tele no:

SECTION 3 DETAILS OF SERVICES

To help us locate the information you are requesting, please complete the appropriate section(s):

Example of areas where the information might be found:

[General Correspondence/Financial transactions/Records such as allotments]

Start and end dates of information

Contacts with the organisation

Please send your completed form to:

Samantha Teece - Clerk

Crich Parish Council
Glebe Field Centre
Glebe Field Close
Crich
Derbyshire
DE4 5EU

clerk@crich-pc.gov.uk