



PERTON PARISH COUNCIL

SUBJECT ACCESS REQUEST POLICY

1. INTRODUCTION

Individuals have the right under the General Data Protection Regulation (GDPR), subject to certain exemptions, to have access to their personal records. This is known as a 'subject access request' (SAR). Requests may be received from members of staff, service users or any other individual who has dealings with and holds data about that individual. This will include information held both electronically and manually and will therefore include personal information recorded within electronic systems, spreadsheets, databases or word documents and may also be in the form of photographs, audio recordings and CCTV images etc.

Anyone making such a request is entitled to be given a description of the information held, what it is used for, who might use it, who it may be passed on to, where the information was gathered from. Under GDPR individuals must also be provided with information on the expected retention periods of the information held, the right to request rectification or erasure of processing or raise an objection to the processing altogether.

This policy sets out the processes to be followed to respond to a subject access request. This is based on the Information Commissioner's Office Subject Access Code of Practice.

2. SCOPE AND OBJECTIVES OF THE POLICY

The purpose of this policy is to provide a guide to all staff on how to deal with subject access requests received and advise service users and other individuals on how and where to make requests.

Subject access is most often used by individuals who want to see a copy of the information an organisation holds about them. However, subject access goes further than this and an individual is entitled to be:

- told whether any personal data is being processed;
- given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people;
- given a copy of the personal data; and
- given details of the source of the data (where this is available).

Personal data is information that relates to an individual who can be identified either directly or indirectly and includes any expression of opinion about the individual and any indication of the intentions of the information holder or any other person in respect of the individual. Some types of personal data are exempt from the right of subject access and so cannot be obtained by making a SAR.

3. HOW TO MAKE A REQUEST

The request does not have to be in any particular form other than in writing, nor does it have to include the words 'subject access' or make any reference to GDPR. A SAR may be a valid request even if it refers to other legislation, such as the Freedom of Information Act

2000 (FOIA) and should therefore be treated as a SAR in the normal way. The applicant must be informed of how the application is being dealt, under which legislation.

In order for Perton Parish Council to action a subject access request the following must be received:

- The request must be made in writing, This may be by letter, fax, email, or even social media, such as Facebook or Twitter. However where the applicant is not able to make the request in writing it can be received verbally and a record of the request made on the applicants file or it can be written in their file
- Proof of identity of the applicant must be verified. The following are examples of valid documents;
 - 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, + documents must be dated in the past 3 months)

- Sufficient information must be supplied to be able to locate the record or information requested.

All subject access requests must be for the attention of the Parish Clerk,

Postal address: Perton Parish Council,
Perton Civic Centre
Coleridge Drive
Church Road
Perton
South Staffordshire
WV6 7PD

Email: clerk@pertonprishcouncil.gov.uk

Telephone 01902 745971

4. RECORDING

It is essential that a log of all requests received is maintained (appendix A), detailing:

- Date received
- Date response due (maximum of one month)
- Applicants details,
- Information requested
- Exemptions applied in respect of information not to be disclosed
- Details of decisions to disclose information without the data subjects consent
- Details of information to be disclosed and the format in which they were supplied
- When and how supplied, e.g. Paper copy and postal method used to send them

5. CHARGES

Under the GDPR, a request for personal information is free unless the request is *'manifestly unfounded or excessive'*. A *'reasonable fee'* for multiple requests can be charged. The fee must be on the basis of the administrative costs involved of retrieving the information

6. RIGHT TO WITHHOLD PERSONAL DATA

Under the GDPR, organisations can withhold personal data if disclosing it would *'adversely affect the rights and freedoms of others.'*

7. RESPONDING TO REQUESTS

Requests should be dealt with within a maximum of one month under GDPR. Under GDPR it is possible to extend this timescale by a further two months where requests are complex but the individual must be contacted within a month of receipt explaining why the extension is necessary.

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

Where it is ascertained that no information is held about the individual concerned, the applicant must be informed of this fact.

If a SAR is submitted in electronic form, any personal data should preferably be provided by electronic means as well responses to SAR requests must be returned by a secure methodology., i.e. social media must NOT be used to return information requested.

If data on the data subject is processed, make sure to include as a minimum the following information in the SAR 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 EU model clauses
- 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;

- 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;
- 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

Further information on the process is available from www.ico.org.uk Code of Practice Subject Access Request

APPENDIX A

PERTON PARISH COUNCIL



Perton Civic Centre
 Church Road
 Coleridge Drive
 Perton
 Wolverhampton
 WV6 7PD
 E-mail: council@peritonparishcouncil.gov.uk
 Telephone numbers: 01902 745971

Subject Access Request Form

Process to Action		
Name of requester (Method of communication) Email Address Phone number Postal Address		
Date Subject Access Request made		
Is the request made under the Data Protection Legislation		Yes No
Date Subject Access Request action to be completed by (One month after receipt time limit)		
Extension to the date of reply requested (An extension of another two months is permissible provided it is communicated to the subject within the one month period)		Yes No
Extension date advised to the Subject Requester and method of contact		
Identification must be proven from the below list: Current UK/EEA Passport UK Photo card 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 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 Utility bill for supply of gas, electric, water or telephone landline A recent Mortgage Statement A recent council Tax Bill/Demand or Statement Tenancy Agreement Building Society Passbook which shows a transaction in the last 3 months and their address		
Verification sought that the Subject Access request is substantiated		Yes No
Verification received		Yes No

Verification if the Council cannot provide the information requested	Yes	No
Is the request excessive or unfounded?	Yes	No
Request to be actioned	Yes	No
Fee to be charged (Subject Access requests must be undertaken free of charge to a requester unless the legislation permits a reasonable charge)	Yes	No
If the request is to be refused, action to be taken and by whom.		
Changes requested to data/ or removal		
Complaint Process (Where a requestor is not satisfied with a response to a SAR, the council must manage this as a complaint)		
Completion date of request		
Date complaint received by requested and details of the complaint		
Date complaint completed and outcome		

Categories of Data to Check

Data	Filing Cabinet	Laptop	Checked	Corrected/Deleted	Actioned by
HR					
Democracy					
Statutory Function					
legal					
Business					
Legal requirement					
General Data					
Consultation Data					