



Odiham
Parish Council

SUBJECT ACCESS REQUEST POLICY

Adopted on 11 June 2018
Reviewed and adopted on 13 May 2019

1. Introduction

Under Data Protection laws individuals may request information about the personal data processed by the Parish Council (a subject access request). Under GDPR the council must now respond without undue delay and in any case within one calendar month of receipt of the request.

2. Responding to a Subject Access Request

- Where a request is made electronically, the information should be provided by electronic means where possible, unless otherwise requested by the data subject.
- The information must be communicated in a concise, transparent, intelligible and easily accessible form, using clear and plain language.
- The right to obtain a copy of information should not adversely affect the rights and freedoms of others. Personal data about a third party must be redacted from any information provided unless the third party has agreed to its inclusion.

3. Fees

- Information must be provided free of charge under the GDPR.
- A reasonable fee may be charged if the request from a data subject is “manifestly unfounded or excessive”. A reasonable fee can also be charged for supplying further copies of the same information. The fee must be based upon the actual administrative cost of providing the information.

4. Timescale

- The information requested must be provided without delay and at the latest within one month of receipt of the request.
- The timescale can be extended up to three months if the information requested is complex or numerous, but the subject must be told within one month how much extra time is required and why.
- The date of receipt of the request is when the request has been proven to be valid.

5. Identification of Requester

Personal data can only be disclosed to the relevant person, so the data controller should request further information to confirm their identity.

6. Summary of Requirements

- On receipt a subject access request, it must be forwarded immediately to the data controller;
- Correctly identify whether a request has been made under the Data Protection legislation;
- An exhaustive search of all records must be made to locate the personal data;
- All personal data that has been requested must be provided unless an exemption can be supplied;
- The response must be made within one month after accepting that the request is valid;
- Subject Access Requests must be undertaken free of charge to the requestor unless the legislation permits reasonable fees to be charged.
- Cllrs and managers must ensure that all staff are aware of and follow this guidance.
- Where the requester is not satisfied with a response to a SAR, the council must manage this as a complaint.

Subject Access Request Procedure

1. Receipt of SAR:

Upon receipt of request – notify the Executive Officer who will organise the process. Requests must be in writing.

2. Log the Request

Enter details of the request in the SAR log.

3. Confirmation of Requirement

If necessary, clarify with the requestor what personal data they need.

4. Identification

The requestor must provide his/her address and supply valid evidence to prove their identity. The council accepts the following forms of ID:

- Current UK/EEA passport
- UK driving licence – photocard or paper
- EEA National Identity Card
- Council tax bill/demand or statement (dated in last 12 months)
- Financial statement – bank, building society or credit card (dated in past 3 months)
- Mortgage statement (dated in last 12 months)
- Tenancy agreement
- Utility bill (dated last 3 months)
- HMRC tax credit document or state benefits/pension entitlement document (dated in last 12 months)
- HMRC tax notification document (last 12 months)

NB. The request is only valid from the date the identity has been confirmed.

5. Confirmation of Fees

Requests are normally free of charge unless the request is “manifestly excessive or unfounded”. The subject must be informed of this.

6. Confirmation of Timescale

Following the validation of the request, the council has one calendar month to respond. If more time is needed, the subject must be told within the first month.

7. Information Search

- Carry out a full and exhaustive search of all records - paper and electronic. This will involve searching emails (incl. archived or deleted where recoverable), word documents, spreadsheets, databases, systems, removable media (memory sticks, CDs etc.), recordings and all paper records in relevant filing systems.
- No personal data should be withheld unless an exemption can be applied. Redact any exempt personal data from the documents to be released.

8. Provision of Information

- You must not withhold personal data because you believe it will be misunderstood; instead you should provide an explanation with the personal data. The data must be provided in an “intelligible form” i.e. explaining codes, acronyms or complex terms.
- The data must be supplied in a permanent form except where agreement is reached with the subject that this would be impossible or involve undue effort in which case they may view files on our premises or on screen. You must redact any exempt personal data from the released documents and explain why that personal data is being withheld.
- If any data has been withheld, you must explain why there is an exemption(s).
- Covering letters must include the following information:
 - The categories of personal data held;
 - The reasons for holding the data;
 - To whom this data has been disclosed (or will be disclosed);
 - The length of time the data will be stored (where possible);
 - From whom the data has been collected (if not from the subject);

- The subject's rights to object or to have data corrected or erased;
- The right to lodge a complaint with the Information Commissioner's Office (ICON).

9. Update Log

Ensure the log lists the details of the SAR, the necessary dates and all documentation provided.

10. Complaint

If the requestor is not satisfied with the response to the SAR, the council must treat this as a complaint which is covered by the complaints procedure.