
OCCOLD PARISH COUNCIL

SUBJECT ACCESS REQUEST POLICY

Introduction

Individuals have the right to access their personal data and supplementary information. The right of access allows individuals to be aware of and verify the lawfulness of the processing. Occold Parish Council must comply with the requirements of the General Data Protection Regulations (GDPR) and we must be able to demonstrate compliance to the Information Commissioner's Office (ICO).

Procedure

Upon receipt of a request for information our policy is as follows:

The Parish Clerk is responsible for the handling of Subject Access Requests (SAR) in our business.

The duties of the Clerk include but are not limited to:

- Log the receipt and fulfilment of all requests received from a data subject/the person making the request/ requestor to see his or her personal information.
- Acknowledge the subject access request (SAR).
- Verify the identity of any person making a SAR.
- Maintain a database on the volume of requests and compliance against the statutory timescale.
- Verify whether if we are the controller of the data subject's personal data.
- Check if we are not a controller, but rather a processor. If so, inform the data subject and refer them to the actual controller. This needs to be recorded in writing.
- Where applicable, decide if a request is excessive, unfounded or repetitive and communicate this to the requestor.
- Decide if an exemption applies.
- If a SAR is submitted in electronic form, any information should preferably be provided by electronic means as well.

Oral or written requests

Subject access requests can be made in writing, electronically or verbally. The requestor must supply valid evidence to prove their identity. The following are example forms of identification:

- Current UK/EEA Passport
- UK Driving Licence
- Financial Statement issued by bank, building society or credit card company
- Utility bill for supply of gas, electric, water or telephone landline.

Processing the request

If the request is not clear, GDPR permits us to ask the individual to specify the information the request relates to. Where this applies, we will proceed with a request for additional information.

We must verify whether we process the data requested. If we do not process any such data, we must inform the data subject accordingly.

We will respond to the data subject within 30 days of receiving the request as valid. This is a requirement under the GDPR.

Any Councillor, who receives a request from the Clerk to locate and supply information relating to a SAR, must make a full exhaustive search of the records which they are responsible for or own.

This may include but is not limited to 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), recordings, and paper records in relevant filing systems.

The Clerk will check 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 requestor; if data cannot be filtered, ensure that other data subjects have consented to the supply of their data as part of the SAR.

All the information that has been requested must be provided unless an exemption can be applied (see below). Information must be supplied in an intelligible form and we will explain acronyms, codes or complex terms.

No charge to comply with the request (with exceptions)

We will provide a copy of the information free of charge, as per the GDPR rules. However, we may charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive.

We may also charge a reasonable fee to comply with requests for further copies of the same information. We understand that this does not mean that we can charge for all subsequent access requests.

Excessive, manifestly unfounded or repetitive requests

Where requests are manifestly unfounded, excessive and repetitive, we may refuse to act on the request. The Clerk will refer excessive requests to full Council and must provide information on the decision to the requestor in writing within 30 days and must state how they reached their decision.

Complex requests

The Council must respond to a SAR within 30 days. 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 30 days.

Response to the requestor

After processing the SAR, the response to the requestor will include:

- The purpose(s) 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.
- 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 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 requestor.

Exemptions

If a Councillor or the Clerk believes that there is a valid business reason for an exemption, the matter will be referred to full Council.

Exempt information will be redacted from the released documents with an explanation of why that information is being withheld.

Complaints

Where a requestor is not satisfied with a response to a SAR, this will be managed as a complaint. If the requestor remains unhappy with the outcome they will be advised that they may complain to the Information Commissioners Office or take legal action.

Breach statement

Breaches of this policy by members of staff or Councillors will be investigated and may result in disciplinary action.

Serious breaches of policy may be considered gross misconduct and result in dismissal without notice,

Revisions

Date of review or revision	Reason	Author
6 September 2021	Updated	J Hart - Clerk