

# HADNALL PARISH COUNCIL

## Subject Access Policy

This policy was adopted by Hadnall Parish Council to comply with the requirements of the General Data Protection Regulations (GDPR), which came into force on the 25<sup>th</sup> of May 2018.

Data subjects have the right to access personal data held on them by the Parish Council. Details are set out in the Privacy Notice, also held on the Parish Council's website.

This policy is in place to ensure that internal procedures on handling of Subject Access Requests (SARs) are accurate and complied with, and includes:

- i. Responsibilities (who, what);
- ii. Timing;
- iii. Changes to data;
- iv. Handling requests for rectification, erasure or restriction of processing.

The Parish Council will always ensure that personal data is easily accessible, to enable a timely response to SARs, and that personal data on specific data subjects can be easily filtered.

The Parish Council has implemented standards on responding to SARs.

### Upon receipt of a SAR

- a) The Data Subject will be informed who at the Parish Council to contact regarding the handling of their SAR, (the Data Controller).
- b) The identity of the Data Subject will be verified and, if needed, any further evidence on the identity of the Data Subject may be requested.
- c) The SAR will be verified. Is it sufficiently substantiated and is it clear to the Data Controller what personal data is requested? If not, additional information will be requested.
- d) Requests will be verified to check if they are unfounded or excessive (in particular because of their repetitive character). If they are, the Parish Council may refuse to act on the request or charge a reasonable fee.
- e) Receipt of the SAR will be promptly acknowledged, and the Data Subject will be informed of any costs involved in the processing of the SAR.
- f) Whether the Parish Council processes the data requested, will be verified. If the Parish Council does not process any data, the Data Subject will be informed accordingly. At all times, the internal SAR policy will be followed, and progress may be monitored.
- g) Data will not be changed because of the SAR. Routine changes, as part of the processing activities concerned, may be permitted.
- h) The data requested will be verified to establish if it involves data on other data subjects. This data will be filtered before the requested data is supplied to the Data Subject. If data cannot be filtered, other Data Subjects will be contacted to give consent to the supply of their data as part of the SAR.

### Responding to a SAR

- a) The Parish Council will respond to a SAR within one calendar month after receipt of the request:
  - i. If more time is needed to respond to complex requests, an extension of another two months is permissible, and this will be communicated to the Data Subject in a timely manner within the first month;

- ii. If the Parish Council cannot provide the information requested, it will inform the Data Subject on this decision without delay and, at the latest, within one calendar month of receipt of the request.
- b) If a SAR is submitted in electronic form, any personal data will be preferably provided by electronic means as well.
- c) If data on the Data Subject is processed, the Parish Council will ensure, as a minimum, the following information in the SAR response:
  - i. the purposes of the processing;
  - ii. the categories of personal data concerned;
  - iii. the recipients or categories of recipients to whom personal data has been or will be disclosed (in particular, in third world countries or international organisations) including any appropriate safeguards for transfer of data, such as Binding Corporate Rules or EU model clauses;
  - iv. where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
  - v. 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;
  - vi. the right to lodge a complaint with the Information Commissioners Office (the ICO);
  - vii. if the data has not been collected from the Data Subject: the source of such data;
  - viii. 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.
- d) the Parish Council will provide a copy of the personal data undergoing processing.

### **Implementing the Subject Access Requests Policy – Parish Council Checklist on what MUST be done**

On receipt of a Subject Access Request, it must be forwarded immediately to a nominated Data Controller who will decide whether a request has been made under the Data Protection legislation.

1. The Parish Clerk, and where appropriate, any Parish Councillor, who receives from the Data Controller, a request to locate and supply personal data relating to a SAR must make a full exhaustive search of the records to which they have access.
2. All the personal data that has been requested must be provided unless an exemption applies. (This will involve a search of emails/recoverable emails, word documents, spreadsheets, databases, systems, removable media (for example, memory sticks, floppy disks, CDs), tape recordings, paper records in relevant filing systems).
3. A response must be provided within one calendar month after accepting the request as valid.
4. Subject Access Requests must be undertaken free of charge to the requestor unless the legislation permits reasonable fees to be charged.
5. Parish Councillors and Clerks must ensure that any staff they manage are aware of and follow this guidance.
6. The Parish Council must provide, where necessary, an explanation with the personal data in an “intelligible form”, which will include giving an explanation of any codes, acronyms and complex terms. The personal data will be supplied in a permanent form except where the requestor agrees or where it is impossible or would involve undue effort. Agreement may be sought with the requestor that they will view the personal data on screen or inspect files on Council premises. Any exempt personal data will be redacted from the released documents with an explanation why that personal data is being withheld.
7. The Council must ensure a request has been received in writing, where a Data Subject is asking for sufficiently well-defined personal data held by the Parish Council, relating to the Data Subject. What personal data is

needed will be clarified with the requestor, who must supply their address and valid evidence to prove their identity. The Parish Council accepts the following forms of identification (\*These documents must be dated in the past 12 months; +These documents must be dated in the past 3 months):

- 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

8. Where a requestor is not satisfied with a response to a SAR, the Parish Council must manage this as a complaint under the Parish Council's Complaints Policy.

**ADOPTED BY HADNALL PARISH COUNCIL ON THE 14<sup>TH</sup> OF MAY 2018**