

# **OLD NEWTON WITH DAGWORTH & GIPPING PARISH COUNCIL**

## **SUBJECT ACCESS REQUEST (SAR) PROCEDURE**

### **1. SUBJECT ACCESS REQUESTS (“SAR”) BASIC REQUIREMENTS**

- A. Inform data subjects of their right to access data and provide an easily accessible mechanism through which such a request can be submitted.
- B. Make sure a SAR policy is in place within the council and that internal procedures on handling of SARs are accurate and complied with. Include, among other elements, provisions on:
  - (1) Responsibilities (who, what)
  - (2) Timing
  - (3) Changes to data
  - (4) Handling requests for rectification, erasure or restriction of processing.
- C. Ensure personal data is easily accessible at all times in order to ensure a timely response to SARs and that personal data on specific data subjects can be easily filtered.
- D. Where possible, implement standards to respond to SARs, including a standard response.

### **2. SUBJECT ACCESS REQUESTS PROCEDURE FOR OLD NEWTON with DAGWORTH & GIPPING PARISH COUNCIL**

#### *A. What must the Parish Council do?*

- 1. **MUST:** On receipt of a subject access request, the Clerk will inform the Chair of the Finance & Policy (F&P) Committee of its receipt.
- 2. **MUST:** The Clerk (in conjunction with the Chair of the F&P Committee) must correctly identify whether a request has been made under the Data Protection legislation.
- 3. **MUST:** The Clerk, and as appropriate, Chair &/or member of the F&P committee, who receives 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.
- 4. **MUST:** All the personal data that has been requested must be provided unless an exemption can be applied.
- 5. **MUST:** The Parish Council must respond within one calendar month after receipt.
- 6. **MUST:** Subject Access Requests must be undertaken free of charge to the requestor unless the legislation permits reasonable fees to be charged.
- 7. **MUST:** Councillors and managers must ensure that the staff they manage are aware of and follow this guidance.
- 8. **MUST:** Where a requestor is not satisfied with a response to a SAR, the council must manage this as a complaint.

### **3. HOW MUST THIS BE UNDERTAKEN?**

- 1. Notify the Chair of the F&P Committee upon receipt of a request.
- 2. The Parish 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 council relating to the data subject. The Parish Council should clarify with the requestor what personal data they need. They must supply their

address and valid evidence to prove their identity. The 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 Photo card 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 the requester's address

3. Depending on the degree to which personal data is organised and structured, you will need to search 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, floppy disks, CDs), tape recordings, paper records in relevant filing systems etc. which your area is responsible for or owns.

4. The Parish Council must not withhold personal data because it believes it will be misunderstood; instead, the Parish Council should provide an explanation with the personal data. The Parish Council must provide the personal data in an "intelligible form", which includes giving an explanation of any codes, acronyms and complex terms. The personal data must be supplied in a permanent form except where the person agrees or where it is impossible or would involve undue effort. The Parish Council may be able to agree with the requester that they will view the personal data on screen or inspect files on our premises. The Parish Council must redact any exempt personal data from the released documents and explain why that personal data is being withheld.

5. The Parish Council will maintain a database allowing the council to report on the volume of requests and compliance against the statutory timescale.

6. When responding to a complaint, the Parish Council must advise the requestor that they may complain to the Information Commissioners Office ("ICO") if they remain unhappy with the outcome.