



SUBJECT ACCESS REQUEST POLICY

1 Purpose

Acaster Malbis Parish Council (the council) is a data controller under the provisions of the General Data Protection Regulations (GDPR) and is responsible for ensuring compliance with personal data in accordance with the regulations.

This document sets out the council's policy for responding to subject access requests (SAR) under the GDPR. All councillors and staff are legally bound to comply with the regulations and other relevant council policies.

2 What is GDPR?

The GDPR gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

The GDPR works in two ways. Firstly, it states that anyone who processes personal information must comply with a number of underlying principles, which make sure that personal information is:

- Fairly, lawfully and transparently processed.
- Processed for specific and lawful purposes.
- Adequate, relevant and limited.
- Accurate and up to date.
- Not stored for longer than is necessary.
- Processed securely and is protected.

Secondly, it provides individuals with important rights (Articles 13 & 14):

- Right to be informed.
- Right of access.
- Right to rectification.
- Right to erasure (right to be forgotten).
- Right to restrict processing.
- Right to data portability.
- Right to object.
- Rights related to automated decision making including profiling.

3 Subject Access Request (SAR)

3.1 What is a SAR?

A SAR is a request for personal information held by the council. An individual (the data subject) has the right to see what personal data the council holds about him/her and as such are entitled to be given a description of the information, what we use it for, who we might pass it onto, and any information we might have about the source of the information. This right is, however, subject to certain exemptions that are set out in the GDPR.

3.2 What is Personal Information?

Personal information/data is information about a living individual, which is capable of identifying that individual. It is not just a name and address but any information that can identify them (directly or indirectly).

Some examples include: a phone number or email address, photo, ID number, location data, or one or more factors specific to the physical, physiological, genetic, mental, economic or social identify of that person. Any other contact information or a person's employment history, or credit history are also all personal data.

3.3 How do I make a request?

An SAR should be in writing and should include:

- A clear topic label e.g. subject access request.
- The date of the request.
- Your name (including any alias).
- Your current contact details (must include address).
- A comprehensive list of what personal data you want to access.
- Any details, dates, or search criteria to help identify what you require.
- How you would like to receive the information.

The request should be sent by email to the parish.clerk@acastermalbis-pc.gov.uk or from the [contact](#) page on the council website.

4 Action upon receipt of a SAR

4.1 Identity check

The council will first check that it has enough information to be sure of the identity of the data subject. Accepted forms of proof of identity are provided in Appendix 1.

If the SAR is from a representative of the individual concerned, then the representative is entitled to the personal data if the data subject's written consent is supplied for the release of their personal data. If the SAR has been made by someone appointed under the Mental Capacity Act 2005, that person must confirm that they have the capacity to act and explain how he/she is entitled to access the information of the data subject. The consent of a parent/guardian is required to a SAR issued in respect of a data subject who is under 13 years old.

Should an individual make a SAR and they are not the data subject, they must stipulate the basis under the GDPR that they consider makes them entitled to the information.

4.2 Collate information

The council will check that it has enough information to find the records that have been requested. If it feels it needs more information, then it will promptly ask for this. It will gather any manual or electronically held information (including emails) and identify any information provided by a third party or which identifies a third party.

If the council has identified information that relates to third parties, it will write to them asking whether there is any reason why such information should not be disclosed. It does not have to supply the information unless the third party has provided their consent or it is reasonable to do so without their consent. If the third party objects to the information being disclosed, the council may seek legal advice on what action it should take.

Before sharing any information that relates to third parties, the council will where possible anonymise information that identifies third parties not already known to the person making the SAR (e.g. the council's employees), and edit information that might affect another party's privacy. It may

also summarise information rather than provide a copy of the whole document. The GDPR requires the council to provide information not documents.

4.3 Issue its response

Once any queries around the information requested have been resolved, copies of the information in a permanent form will be sent to the person submitting the SAR except where he/she agrees otherwise, where it is impossible, or where it would involve undue effort. In these cases, an alternative would be to allow you to view the information on screen at the council's office.

The council will explain any complex terms or abbreviations contained within the information supplied in response to the SAR.

If a SAR is submitted in electronic form, any personal data shall be provided by the council by electronic means, if possible.

4.4 Timeframe for responding to a SAR

The council has one calendar month starting from the date it receives the SAR. If more time is needed to respond to complex requests, an extension of time for another two months is permissible, provided the council communicates this to the data subject in a timely manner within the first month. In many cases, it may be possible to respond in advance of the one calendar month target and the council will aim to do this where possible.

If the council cannot provide any information requested, it will inform the data subject accordingly without delay and at the latest within one month of receipt of the SAR.

5 Fees

The GDPR does not allow a fee to be charged for a SAR.

6 Grounds for non-compliance with a sar

Previous requests that are manifestly unfounded or excessive – because of its repetitive character the council can charge a reasonable fee or refuse to provide the information requested. If the council refuses to provide the requested information it will inform the data subject without undue delay and at the latest within one month of receipt of the SAR.

If a data subject has made a previous SAR, the council must respond if a reasonable interval has elapsed since the previous request. A reasonable interval will be determined upon the nature of the information, the time that has elapsed, and the number of changes that have occurred to the information since the last request.

Exemptions – the GDPR contain a number of exemptions to the council's duty to disclose personal data and it may seek legal advice if it considers that they might apply. Possible exemptions would be information covered by legal professional privilege, information used for research, historical and statistical purposes, confidential references given or received by the council, the prevention, investigation, detection or prosecution of criminal offences, important public interests – in particular economic or financial interests, including budgetary and taxation matters, public health and security. This, however, is not an exhaustive list.

7 Errors in council records

If the council agrees that its information is inaccurate, it will correct it and where practicable, destroy the inaccurate information. It will consider informing any relevant third party of the correction. If the council does not agree or feels unable to decide whether the information is inaccurate, it will make a note of the alleged error and keep this on file.

8 Complaints

If a data subject is not satisfied with the council's action, they can seek recourse through our internal complaints procedure or the Information Commissioner or the courts.

The clerk to the council will deal with any written complaint about the way a request has been handled and about what information has been disclosed. The clerk can be contacted by email at parish.clerk@acastermalbis-pc.gov.uk.

If a data subject wishes to do so, they have the right to lodge a complaint with the Information Commissioner. The Information Commissioner can be contacted as follows:

Telephone:

0303 123 1113

Website:

<https://ico.org.uk/global/contact-us/>

Address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF.

Appendix 1 – Identification

- 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.

+These documents must be dated in the past 3 months.