



St Stephen in Brannel Parish Council

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Subject Access Requests Policy¹

Individuals, also known as data subjects, have the right to access personal data held on them by St Stephen in Brannel Parish Council.

Details are set out in the General Privacy Notice, which is available on the Parish Council's website or from the Parish Council office.

This policy advises of the internal process on handling of Subject Access Requests (SARs) and includes information on:

- Responsibilities;
- Timing;
- Changes to data; and
- Handling requests for rectification, erasure or restriction of processing.

St Stephen in Brannel 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.

Upon receipt of a Subject Access Request

- a) It will be verified that the Parish Council is a Data Controller of the data subject's personal data. Once verified, the Data Subject will be informed who at the Parish Council to contact regarding the handling of their SAR.
- 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.

¹ Adopted by Full Council at the meeting held on Wednesday 6th June 2018 under minute number 131/18

- 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 Subject Access Request

- 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 Rules² or EU model clauses³;
 - 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.

² “Binding Corporate Rules” is a global data protection policy covering the international transfer of personal data out of the European Union. It requires approval of a data protection regulator in the European Union. In most cases this will be the relevant regulator where an organisation's head quarters is located. In the UK, the relevant regulator is the Information Commissioner's Office.

³ “EU model clauses” are clauses approved by the European Union which govern the international transfer of personal data. The clauses can be between two data controllers or a data controller and a data processor.

Implementing the Subject Access Requests Policy

1. On receipt of a SAR, it must be forwarded immediately to the Finance and General Purposes Committee as nominated Data Controller who will decide whether a request has been made under the Data Protection legislation.
2. The Data Controller must ensure the 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:
 - 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)
3. The 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.
4. 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).
5. A response must be provided within one calendar month after accepting the request as valid.
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. SARs will be undertaken free of charge to the requestor unless the legislation permits reasonable fees to be charged.
8. The Employment & Cemeteries Committee must ensure that all staff are aware of and follow this guidance.
9. 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.