Payhembury Parish Council
GDPR Subject Access Request Procedure

Contents

1.   Introduction

1.1.   Under GDPR any person (referred to throughout as the data subject) for whom the Parish Council hold personal data has the right to submit a written request for information about the personal data held. The written request should be sent by email or as a letter and should include details as shown in the 'Subject Access Request' form (see Appendix). This document specifies how Payhembury Parish Council will handle a subject access request (SAR) from a member of the public.

2.   What must the Parish Council do?

2.1.   The Parish Council must comply with the following procedure:

a)   On receipt of a subject access request this must be forwarded to the Data Protection Officer.
b)   Correctly identify whether a request has been made under the Data Protection legislation.
c)   A member of staff, and as appropriate, Councillor, who receives a request to locate and supply personal data relating to an SAR must make a full exhaustive search of the records to which they have access.
d)   All the personal data that has been requested must be provided unless an exemption can be applied.
e)   Respond within one calendar month after accepting the request as valid.
f)   Subject Access Requests must be undertaken free of charge to the requestor unless the legislation permits reasonable fees to be charged.
g)   Councillors and managers must ensure that the staff they manage are aware of and follow this guidance.
h)   Where a requestor is not satisfied with a response to an SAR, the Parish Council must manage this as a complaint.

3.   Who processes SARs?

3.1.   The Clerk to the Parish Council will process any SARs that are made. SARs can be made by any individual through the Parish Councils Subject Access Request Form (see Appendix) and can be

sent via email to payhemburypc@payhemburyparishcouncil.org.uk or via post (email Clerk or see the Parish Council website 'Contact Us' page for postal address). Please note that this procedure and form apply to data restriction and data deletion requests as well.

4.   What will happen next?

4.1.   The Clerk will maintain a log of the location of personal data. This is to ensure that personal data is easily accessible at all times and can be deleted once the purpose of obtaining it has been fulfilled.

4.2.   On receiving an SAR the Clerk will respond confirming that they have received the request and will direct the person to this policy so that they are aware of the next steps that will be taken. The Clerk will also forward the request on to the Chair of the Parish Council.

4.3.   After acknowledging receipt of the request, the Clerk will then do the following:

a)   Verify whether the Parish Council is the controller of the data subject's personal data. If they are not a controller, but merely a processor, the Clerk will inform the data subject and refer them to the actual controller.

b)   Verify the identity of the data subject; the data subject must supply their address and valid evidence to prove their identity. If further evidence on the identity of the data subject is needed, 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 the address

c)   Verify the access request; is it sufficiently substantiated? Is it clear what personal data is requested? If not, request additional information.

d) Verify whether requests are unfounded or excessive (in particular because of their repetitive character); if so, the Parish Council may refuse to act on the request or charge a reasonable fee.

e) Promptly acknowledge the validity of the SAR and inform the data subject of any costs involved in the processing of the SAR and the expected date by which they should receive the requested information. The Clerk will ensure that a response to the SAR will be provided within one month of accepting the SAR as valid.

f) Verify whether the Parish Council process the data requested by carrying out a full and exhaustive search. Depending on the degree to which personal data is organised and structured, emails will need to be searched (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. If the Parish Council do not process any data, inform the data subject accordingly.

g) Ensure data will not be changed as a result of the SAR. Routine changes as part of the processing activities concerned are permitted.

h) Verify 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 data subject; if data cannot be filtered, ensure that other data subjects have consented to the supply of their data as part of the SAR.

4.4. The Clerk will aim to provide a response to an SAR within one month after the request is acknowledged as valid. However, 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 the first month. If the Parish Council cannot provide the information requested, it should inform the data subject on this decision without delay and at the latest within one month of receipt of the request.

5. What will be included in the SAR response?

5.1. If data on the data subject is processed, the Clerk will ensure that the following information is included as a minimum in the SAR response:

a) the purposes of the processing;
b) the categories of personal data concerned;
c) the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data, such as Binding Corporate Rules or EU model clauses;
d) where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
e) 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;
f) the right to lodge a complaint with the Information Commissioners Office ("ICO");
g) if the data has not been collected from the data subject: the source of such data;

h) 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;

i) a copy of the personal data undergoing processing.

5.2. The Parish Council must not withhold personal data because they believe it will be misunderstood; instead, the Parish Council should provide an explanation with the personal data. The personal data must be provided 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 at an agreed location. The Parish Council must redact any exempt personal data from the released documents and explain why that personal data is being withheld.

6. What if the person is unhappy with the management of the SAR?

6.1. If the person is not happy with the management of the SAR this will be managed as a complaint against the Parish Council and referred to the Information Commissioner for their consideration.

7. Procedures relating to SARs

7.1. The Clerk will attend training on this subject as needed to ensure that practices are compliant with the law.

7.2. A database is maintained allowing the Parish Council to report on the volume of requests and compliance against the statutory timescale.

Appendix: Subject Access Request Form

1. To request to see your records, please complete this form and then send the completed form to the Clerk at payhemburypc@payhemburyparishcouncil.org.uk or via post (email Clerk or see the Parish Council website 'Contact Us' page for postal address).

2. To ensure proper security, the Parish Council must be sure of your identity before complying with the subject access request. To confirm your identity, we need to see an official document with a photograph, such as a driving licence or a passport.

3. If you are making the request on behalf of another individual to access their information, we will need written consent from the individual to whom the data relates as well as your proof of identity. If you have legal authorization to act on behalf of an individual, such as if you act with power of attorney or as a litigation friend, you will need to provide a copy of that authorization to evidence it.

4. We can refuse your request if it is manifestly unfounded or excessive, such as if it is repetitive. We will explain why we consider your request to be manifestly unfounded or excessive if we do refuse it.

Payhembury Parish Council
GDPR Subject Access Request Procedure

1. Details of person making the request	
Title	
Name	
Any other names that you have been known by	
Date of birth	
Address	
Telephone Number	
Email	

2. Are you requesting information about yourself?	
Yes	Please go to section 4
No	If you are making the request on behalf of another person you must enclose with the request a signed authority from them to do so. If you are making the application because the data subject lacks capacity to make the application in their own right, please outline your authority to make the application in their stead (for example, Power of Attorney). You should enclose a copy of any evidence that you may have of that authority. The Council will contact you if further evidence is required. (please complete section 3)

3. Details of the data subject (if requesting data on behalf of someone else)	
Title	
Name	
Any other names that the data subject has been known by	
Date of birth	
Address	
Telephone Number	
Email	

Payhembury Parish Council
GDPR Subject Access Request Procedure

Your relationship to the data subject	

4. Describe the information you are requesting

If you are only seeking certain records, it would be helpful for us to know which types of record you are seeking, any time period to cover, and if you would like to see only specific document(s). Please describe these below with as much detail as you can

5. Declaration

I declare that the information given on this form is correct and true

Name

Signature

Date