

Wheatley Parish Council

Subject Access Request Procedure & Form

Adopted 14.06.18

Background

Under the new GDPR the right of access, commonly referred to as subject access, gives individuals the right to obtain information about and a copy of their personal data.

Individuals have the right to obtain confirmation that we are processing their personal data, a copy of their personal data and other supplementary information which is included in the council's privacy notice.

Subject Access Requests (SAR) can be made verbally or in writing. They can also be made to any part of the council (including by social media) and does not have to be to a specific person or contact point.

The council has a legal responsibility to identify such requests so officers and councillors should familiarise themselves with this document and the councils GDPR procedures.

Further information is available at <https://ico.org.uk/>

A request does not have to include the phrase 'subject access request' or Article 15 of the GDPR, as long as it is clear that the individual is asking for their own personal data.

Exemptions:

There are some exceptions:

- References that **you** give
- Publicly available information
- Crime and taxation
- Management information (restructuring or possible redundancies)
- Negotiations with requestor
- Regulatory activities e.g. planning enforcement, noise nuisance
- Legal advice and proceedings
- Personal data of third parties

Procedure

Should you identify a 'Subject Access Request' (SAR) either verbally or in writing please contact the Clerk/Assistant Clerk as soon as possible with details of the individual and the date the request was made.

The Clerk/Assistant Clerk will then begin to complete the SAR, seeking appropriate identification

Copies of all SAR forms (substantiated or not) should be filed in the appropriate folder in the parish office and an annual report will be made to the council.

SARs may be applied to part of documents rather than a whole document and redaction of information may be more suitable than removing or deleting the document in its entirety.

Complaints

Should an individual not be satisfied with the council's response, the council must treat this as a complaint.

Subject Access Request (SAR) Form

Requestor information			
Name of requester: Email Address: Phone number:	Postal Address: Method of communication:		
Date SAR made:			
Is the request made under the Data Protection Legislation?	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; padding: 5px;">Yes</td> <td style="width: 50%; text-align: center; padding: 5px;">No</td> </tr> </table>	Yes	No
Yes	No		
Date SAR action to be completed by (One month after receipt time limit)			
Extension to the date of reply requested (An extension of another two months is permissible provided it is communicated to the subject requestor within the one month period)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; padding: 5px;">Yes</td> <td style="width: 50%; text-align: center; padding: 5px;">No</td> </tr> </table>	Yes	No
Yes	No		
Extension date advised to the subject requestor and method of contact:			
Identification must be proven from the below list: <ul style="list-style-type: none"> • Current UK/EEA Passport • UK Photo card Driving Licence (Full or Provisional) • 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 • Utility bill for supply of gas, electric, water or telephone landline • A recent Mortgage Statement • A recent council Tax Bill/Demand or Statement • Tenancy Agreement • Building Society Passbook which shows a transaction in the last 3 months and their address 			
Verification sought that the SAR is substantiated:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; padding: 5px;">Yes</td> <td style="width: 50%; text-align: center; padding: 5px;">No</td> </tr> </table>	Yes	No
Yes	No		
Verification received:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; padding: 5px;">Yes</td> <td style="width: 50%; text-align: center; padding: 5px;">No</td> </tr> </table>	Yes	No
Yes	No		
Verification if the Council cannot provide the information requested:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; padding: 5px;">Yes</td> <td style="width: 50%; text-align: center; padding: 5px;">No</td> </tr> </table>	Yes	No
Yes	No		
Is the request excessive or unfounded?	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; padding: 5px;">Yes</td> <td style="width: 50%; text-align: center; padding: 5px;">No</td> </tr> </table>	Yes	No
Yes	No		

Request to be actioned:	Yes	No
Fee to be charged (Subject Access requests must be undertaken free of charge to a requester unless the legislation permits a reasonable charge)	Yes	No
If the request is to be refused, action to be taken and by whom.		
Changes requested to data/or removal		

Categories of Data to Check

Data	Filing Cabinet	Laptop/ Computer	Checked	Corrected/ Deleted	Actioned by
Employment/HR					
Democracy					
Statutory Function					
Legal Requirement					
Business					
Consultation Data					
Advertising					
General Data					

Complaint Procedure

(Where a requestor is not satisfied with a response to a SAR, the council must manage this as a complaint)

Completion date of request:	
Date complaint received by requested and details of the complaint:	
Date complaint completed and outcome :	