

ARMTHORPE PARISH COUNCIL

General Data Protection Regulations 2018

Subject Access Request Policy

1. PURPOSE

- 1.1. Armthorpe Parish Council is a data protection 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.
- 1.2 This document sets out Armthorpe Parish Council's policy for responding to subject access requests (SAR) under the GDPR. The Regulations will take effect on 25th May 2018.
- 1.3 The GDPR explain the rights and responsibilities of those dealing with personal data. All councillors and staff are legally bound to comply with the Regulations and other relevant Council policies.

2. INTRODUCTION – WHAT IS GDPR?

- 2.1 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.
- 2.2 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
- 2.3 Secondly, it provides individuals with important rights, including the right to find out what personal information is held on computer and most paper records.

3. COUNCIL POLICY ON REQUESTS FOR SAR

- 3.1 The Council will deal with all reasonable requests for information made by subject access requests that are not subject to specific exemption in the GDPR.

4. SUBJECT ACCESS REQUESTS (SAR)

- 4.1 A SAR is a written request for personal information held by the Council. A person (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.

- 4.2 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). For example, 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.
- 4.3 A SAR should be made in writing to Armthorpe Parish Council, Armthorpe Community Centre, Welfare Park, Church Street, Armthorpe, Doncaster, DN3 3AG or by email to armthorpeparishcouncil@btconnect.com.

5. COUNCIL ACTION UPON RECEIPT OF A SAR

5.1 Check data subject's identity

- 5.2 The Council will first check that it has enough information to be sure of the identity of the data subject. Often it will have no reason to doubt a person's identity, for example, if it has regularly been in correspondence with that person. If, however, the Council has good cause to doubt the data subject's identity it can ask for further evidence to be provided that it reasonably needs to confirm the identity of the data subject. For example, the Council may request the data subject to provide a piece of information held in his/her records that it would expect them to know, such as proof of address or proof of signature.
- 5.3 If the SAR is from a relative/representative of the individual concerned, then the relative/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.
- 5.4 Should someone make a SAR and they are not the data subject, he/she must stipulate the basis under the GDPR that they consider makes them entitled to the information.

5.5 Collate information

- 5.6 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.
- 5.7 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.

- 5.8 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.

5.9 Issue its response

- 5.10 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.
- 5.11 The Council will explain any complex terms or abbreviations contained within the information supplied in response to the SAR.
- 5.12 If a SAR is submitted in electronic form, any personal data shall be provided by the Council by electronic means, if possible.

5.13 Timeframe for responding to a SAR

- 5.14 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.
- 5.15 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.

6 FEES

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

7. GROUNDS FOR NON-COMPLIANCE WITH A SAR

- 7.1 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.

- 7.2 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.

8 ERRORS IN COUNCIL RECORDS

- 8.1 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.

9 COMPLAINTS

- 9.1 If a data subject is not satisfied with the Council's action, he/she can seek recourse through our internal complaints procedure or the Information Commissioner or the courts.
- 9.2 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. He can be contacted via the details shown in paragraph 4.3 above.
- 9.3 If a data subject wishes to do so, he/she has the right to lodge a complaint with the Information Commissioner. The Information Commissioner can be contacted on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

10 POLICY REVIEW

- 10.1 The Council will keep this Privacy Policy under regular review and we will place any updates on this web page www.armthorpeparishcouncil.co.uk
This Policy was last updated in May 2018.