

# TIBBERTON PARISH COUNCIL

## SUBJECT ACCESS REQUEST POLICY

### Introduction and policy statement

This policy sets out how Tibberton Parish Council, under the General Data Protection Regulations, will provide an easy and accessible mechanism through which a Subject Access Request can be submitted and responded to. This Policy links to the Council's Information Data Protection Policy.

A Subject Access Request (SAR) is a written request made by or on behalf of an individual for the information which they are entitled to ask for under section 7 of the Data Protection Act 1998. The request does not have to be in any particular form.

### 1. Submitting a Subject Access Request

1.1 All Subject Access Requests should be made in writing (either letter or electronic format) to the Clerk. [clerk@tibbertonparishcouncil.gov.uk](mailto:clerk@tibbertonparishcouncil.gov.uk)

### 2. Upon receipt of a Subject Access Request

1. The Clerk will endeavour to acknowledge all Subject Access Requests in writing (either letter or electronic format) within 10 working days. This will be to acknowledge that the Council has received the request.
2. The Clerk will, in the first instance, determine whether a request has been made under the Data Protection legislation. If the request falls under the Data Protection legislation the request will be processed. If the request does not fall under the legislation the Council will respond the data subject to inform them that no further action can be taken.
3. The Clerk will verify the identity of the data subject and if needed will request any further evidence on the identity of the data subject. This may include, for example, passport, driving licence, tenancy agreement or utility bill.
4. The request will be checked to see if it is sufficiently substantiated and that it is clear what data is requested. If it is not clear additional information will be requested.
5. The request will be verified to check to see if it is unfounded or excessive. A Subject Access Request is likely to be manifestly unfounded or excessive where it repeats a request to which the council has already responded. If so found, the Clerk may refuse to act upon the request or may charge a reasonable fee.
6. Any request that may involve data on other data subjects, this data will be filtered prior to supply of the data. If the data cannot be removed a consent form will be required from the other data subjects prior to any supply of data.

### 3. Responding to a Subject Access Request

1. All requests will be responded to within one calendar month after receipt of the request. If the request is more complex, an extension of two further calendar months will apply. The data subject will be informed.
2. If the Council is unable to provide the information requested the data subject will be informed within one calendar month of receipt of the request.

3. As far as possible all requests will be responded to in the format it was received, either in writing or electronic format. If multiple copies are requested, a fee may be charged, which will be based on the administrative cost to the council of providing the additional copies.
4. All information provided will be in an 'intelligible form' and will be supplied in a permanent form unless where it is impossible or would involve undue effort. In this case alternative arrangements will be agreed e.g. to view the personal data on screen or inspect files on premises.
5. A database will be maintained of all Subject Access Requests allowing the Clerk to report to Council on the volume of requests and compliance against the statutory timescale.

#### **4. Data Subject Rights**

You have a number of other rights in relation to your personal data. You can require the council to:

- rectify inaccurate data.
- stop processing or erase data that is no longer necessary for the purposes of processing.
- stop processing or erase data if your interests override the council's legitimate grounds for processing data (where the council relies on our legitimate interests as a reason for processing data)
- stop processing or erase data if processing is unlawful; and
- stop processing data for a period if data is inaccurate or if there is a dispute about whether or not your interests override the council's legitimate grounds for processing data. complain to the Information Commissioner. You can do this by contacting the Information Commissioner's Office directly on 0303 123 1113. Full contact details can be found on the Information Commissioner's Office website ([www.ico.org.uk](http://www.ico.org.uk)).

#### **Reporting Procedure, Records and Confidentiality**

Confidentiality should be maintained at all times. Information should be handled and disseminated on a need-to-know basis only. All Subject Access Requests will be reported to the Council by the Clerk as soon as reasonably possible but with all and any personal details removed.

Records will be kept securely and confidentially by the Parish Clerk.