
HEPWORTH PARISH COUNCIL

Subject Access Requests Procedure (SAR's)

Hepworth Parish Council will inform data subjects of their right to access data and provide an easily accessible mechanism through which such a request can be submitted – clerk@hepworthvillage.co.uk.

The Clerk is responsible for responding to SAR's within one month of the request in accordance with the Data Protection Policy and will take the following action

Upon receipt of a SAR

- Verify whether Hepworth Parish Council is a controller of the data subject's personal data. If not a controller, but merely a processor, inform the data subject and refer them to the actual controller.
- Verify the identity of the data subject; if needed, request any further evidence on the identity of the data subject.
- Verify the access request; is it sufficiently substantiated? Is it clear to the data controller what personal data is requested? If not: request additional information.
- Verify whether requests are unfounded or excessive (in particular because of their repetitive character); if so, you may refuse to act on the request or charge a reasonable fee.
- Promptly acknowledge receipt of the SAR and inform the data subject of any costs involved in the processing of the SAR.
- Verify whether you process the data requested. If you do not process any data, inform the data subject accordingly. At all times make sure the internal SAR policy is followed and progress can be monitored.
- Ensure data will not be changed as a result of the SAR. Routine changes as part of the processing activities concerned are permitted.
- 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.

Responding to a SAR within one month after receipt of the request:

- 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 council cannot provide the information requested, it will inform the data subject on this decision without delay and at the latest within one month of receipt of the request.
- If a SAR is submitted in electronic form, any personal data should preferably be provided by electronic means as well.
- If data on the data subject is processed, it will include as a minimum the following information 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.

The Clerk will then provide a copy of the personal data undergoing processing.

What must Hepworth Parish Council do?

- **MUST:** On receipt of a subject access request you must **forward** it immediately to The Clerk.
- **MUST:** We must correctly **identify** whether a request has been made under the Data Protection legislation
- **MUST:** A member of staff, and as appropriate, councillor, who receives 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.
- **MUST:** All the personal data that has been requested must be **provided** unless an exemption can be applied.
- **MUST:** We must **respond** within one calendar month after accepting the request as valid.
- **MUST:** Subject Access Requests must be undertaken **free of charge** to the requestor unless the legislation permits reasonable fees to be charged.
- **MUST:** Councillors and managers must ensure that the staff they manage are **aware** of and follow this guidance.
- **MUST:** Where a requestor is not satisfied with a response to a SAR, the council must manage this as a **complaint**.

How must we do it?

- Notify the Clerk upon receipt of a request.
- Ensure a request has been received in writing where a data subject is asking for sufficiently well-defined personal data held by the council relating to the data subject. Clarify with the requestor what personal data they need. They must supply their address and valid evidence to prove their identity. The 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):
 - 1 Current UK/EEA Passport
 - 2 UK Photocard Driving Licence (Full or Provisional)
 - 3 Firearms Licence / Shotgun Certificate
 - 4 EEA National Identity Card
 - 5 Full UK Paper Driving Licence

- 6 State Benefits Entitlement Document*
- 7 State Pension Entitlement Document*
- 8 HMRC Tax Credit Document*
- 9 Local Authority Benefit Document*
- 10 State/Local Authority Educational Grant Document*
- 11 HMRC Tax Notification Document
- 12 Disabled Driver's Pass
- 13 Financial Statement issued by bank, building society or credit card company+
- 14 Judiciary Document such as a Notice of Hearing, Summons or Court Order
- 15 Utility bill for supply of gas, electric, water or telephone landline+
- 16 Most recent Mortgage Statement
- 17 Most recent council Tax Bill/Demand or Statement
- 18 Tenancy Agreement
- 19 Building Society Passbook which shows a transaction in the last 3 months and your address

1. Depending on the degree to which personal data is organised and structured, search emails (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.
2. We will not withhold personal data because we believe it will be misunderstood; instead, we will provide an explanation with the personal data. We will provide the personal data in an "intelligible form", which includes giving an explanation of any codes, acronyms and complex terms. The personal data will be supplied in a permanent form except where the person agrees or where it is impossible or would involve undue effort. We may be able to agree with the requester that they will view the personal data on screen or inspect files on our premises. We will redact any exempt personal data from the released documents and explain why that personal data is being withheld.

Make this clear on forms and on the council website

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4. We will do this through the use of induction, performance and training, as well as through establishing and maintaining appropriate day to day working practices.

5. A database will be maintained allowing the council to report on the volume of requests and compliance against the statutory timescale.

6. When responding to a complaint, we will advise the requestor that they may complain to the Information Commissioners Office ("ICO") if they remain unhappy with the outcome.