

1. Introduction

- 1.1 Individuals have the right under the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018, subject to certain exemptions, to have access to their personal records. This is known as a 'subject access request' (SAR). Requests may be received from members of staff, service users or any other individual who has dealings with the Council and about whom the Council holds personal data. This will include information held both electronically and manually and will therefore include personal information recorded within electronic systems, spreadsheets, databases or word documents and may also be in the form of photographs, and CCTV images etc.
- 1.2 Anyone making such a request is entitled to be given a description of the information held, what it is used for, who might use it, who it may be passed on to, where the information was gathered from. Under UK GDPR individuals must also be provided with information on the expected retention periods of the information held (see our Document Retention Policy), the right to request rectification or erasure of processing or raise an objection to the processing altogether.
- 1.3 This policy sets out the processes to be followed to respond to a subject access request. This is based on the Information Commissioner's Office Subject Access Code of Practice and should be read alongside our Privacy Policy and Freedom of Information Policy.

2. Scope and Objectives of the policy

- 2.1 The purpose of this policy is to provide a guide to all staff and councillors on how to deal with subject access requests received and advise service users and other individuals on how and where to make requests.
- 2.2 Subject access is most often used by individuals who want to see a copy of the information an organisation holds about them. However, subject access goes further than this and an individual is entitled to be - **a)** told whether any personal data is being processed; **b)** given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people; **c)** given a copy of the personal data; and **d)** given details of the source of the data (where this is available).
- 2.3 Personal data is information that relates to an individual who can be identified either directly or indirectly and includes any expression of opinion about the individual and any indication of the intentions of the information holder or any other person in respect of the individual. Some types of personal data are exempt from the right of subject access and so cannot be obtained by making a SAR.

3. How to make a request

- 3.1 The request does not have to be in any particular form other than in writing, nor does it have to include the words 'subject access' or make any reference to UK GDPR. A SAR may be a valid request even if it refers to other legislation, such as the Freedom of Information Act 2000 (FOIA) and should therefore be treated as a SAR in the normal way. The applicant must be informed of how the application is being dealt with, under which legislation.

3.2 In order for Honeybourne Parish Council to action a subject access request the following must be received:

- a) The request must be made in writing, this may be by letter or email. However where the applicant is not able to make the request in writing it can be received verbally and a record of the request made on the applicant's file or it can be written in their file.
- b) Proof of identity of the applicant must be verified. The following are examples of valid documents:
 - 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 your address

***Documents must be dated in the past 12 months**

†Documents must be dated in the past 3 months

- c) Sufficient information must be supplied to be able to locate the record or information requested.

3.3 All subject access requests must be sent to the Parish Clerk:

Contact Details:

- **Email:** clerk@honeybourne-pc.gov.uk
- **Postal address:** Parish Clerk, Honeybourne Parish Council, Honeybourne Village Hall, Harvest Close, Honeybourne, Evesham, WR11 7HR

4. Recording

It is essential that a log of all requests received is maintained, detailing:

- a) Date received
- b) Date response due (maximum of one month)
- c) Applicants' details
- d) Information requested
- e) Exemptions applied in respect of information not to be disclosed
- f) Details of decisions to disclose information without the data subject consent
- g) Details of information to be disclosed and the format in which they were supplied
- h) When and how supplied, e.g. Paper copy and postal method used to send them

5. Charges

5.1 Under UK GDPR, a request for personal information is free unless the request is 'manifestly unfounded or excessive'. A 'reasonable fee' for multiple requests can be charged. The fee must be based on the administrative costs involved of retrieving the information.

5.2 Charging structure (where applicable):

- Information provided electronically: Free
- Photocopying: 15p per A4 sheet
- Postage: At actual cost

5.3 Any charges will be clearly communicated to the applicant before processing begins, and payment must be received before information is provided.

6. Right to withhold personal data

6.1 Under the UK GDPR, organisations can withhold personal data if disclosing it would 'adversely affect the rights and freedoms of others.

6.2 Information may also be withheld where it falls under exemptions in the UK GDPR or Data Protection Act 2018, or where it relates to information about deceased persons.

6.3 Information about deceased persons- Deceased persons have no rights under UK GDPR, therefore Subject Access Requests cannot be made for information about deceased individuals. However, such information may be available through other access regimes (such as the Freedom of Information Act), subject to applicable exemptions including protection of personal information relating to living individuals who may have property rights, financial interests, or privacy interests in relation to the deceased person's affairs.

7. Responding to requests

7.1 **Time limits:** Requests should be dealt with within a maximum of one month under UK GDPR. It is possible to extend this timescale by a further two months where requests are complex, but the individual must be contacted within a month of receipt explaining why the extension is necessary.

7.2 If the Council cannot provide the information requested, it should inform the data subject of this decision without delay and at the latest within one month of receipt of the request.

7.3 Where it is ascertained that no information is held about the individual concerned, the applicant must be informed of this fact.

7.4 **Format of response:** If a SAR is submitted in electronic form, any personal data should preferably be provided by electronic means as well. Responses to SAR requests must be returned by a secure methodology - social media must **NOT** be used to return information requested.

7.5 **Required information:** If data on the data subject is processed, make sure to 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 envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period (see our Document Retention Policy)
- d) 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

- e) the right to lodge a complaint with the Information Commissioner's Office ("ICO")
- f) if the data has not been collected from the data subject: the source of such data
- g) 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
- h) Provide a copy of the personal data undergoing processing

8. Relationship to other policies

8.1 Privacy Policy: Our Privacy Policy explains what personal data we collect and how we process it. Subject Access Requests allow individuals to see what data we hold about them personally.

8.2 Freedom of Information Policy: Where a request could fall under both subject access and freedom of information, we will clarify with the applicant which regime applies and process accordingly.

8.3 Document Retention Policy: Our retention periods for different types of information are set out in our Document Retention Policy, which helps determine how long we hold personal data.

8.4 Data Breach Policy: Any issues arising during the processing of a Subject Access Request that could constitute a data breach will be handled under our Data Breach Policy.

9. Appeals and complaints

9.1 If an individual is dissatisfied with our response to their Subject Access Request, they have the right to complain to the Information Commissioner's Office:

Information Commissioner's Office (ICO)

- **Website:** www.ico.org.uk
- **Helpline:** 0303 123 1113
- **Address:** Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

10. Review

10.1 This policy will be reviewed every three years, or earlier if there are material or legislative changes.

This policy complies with the UK General Data Protection Regulation and Data Protection Act 2018.