



## Access Request (SAR) Policy

CP22.01

Authorised & Adopted: GRENDON UNDERWOOD PARISH COUNCIL  
Authorisation & last review as shown in the Policy Review Record CD08A

CHANGE LOG	
26 May 2020	Adopted by resolution of full Council at a properly constituted general meeting held 26 <sup>th</sup> May 2020

### I PURPOSE

The Data Protection Act 1998 (“the Act”), came into force on the 1 March 2000 and is now repealed and replaced by the Data Protection Act 2018 (the Act), which came into force on 25<sup>th</sup> May 2018. The General Data Protection Regulation (GDPR) also came into force on the 25<sup>th</sup> May 2018. In addition, the Data Protection (Charges & Information) Regulations 2018 (the 2018 Regulations) also came into force on 25<sup>th</sup> May 2018.

Grendon Underwood Parish Council is a public authority coming under the 2018 Regulations and is a non-exempt Data Controller.

This Policy is therefore designed to ensure that Grendon Underwood Parish Council, its Members and staff who have access to any personal data held by or on behalf of the Council, are made fully aware of and abide by the statutory duties and responsibilities placed on the Council under the Act, the GDPR and the 2018 Regulations.

This Policy provides the framework within which Council will effectively manage and conduct its administrative arrangements in relation to the requirements of the relevant legislation such as to ensure the timely and efficient compliance with its obligations and to deliver its duties in regard to the expectations of the residents of the Parish.

It lays out how Councillors and council employees are expected to abide by these requirements.

Council has made every effort to ensure all relevant statutory requirements to which a council is subject are encompassed in this Policy but confirm that, in any event, those requirements apply whether or not they are incorporated herein.

This Policy has been drawn up within the context of the Parish Council’s Freedom of Information Policy and its Data Protection Policy and every effort has been made to ensure this Policy is consistent with other Council Policies where relevant.

**Definition** - Personal data is data which relates to a living individual who can be identified from the data (name, address, email address, database information) and can include expressions of opinion about the individual.

### NOTES:

- Where the word “councillor” is used, unless the context suggests otherwise, the meaning is intended to include non-councillors, with or without voting rights, and council employees.
- A ‘co-opted member’ is a person who is not an elected member of the Council but who has been co-opted onto the Council, or a committee or sub-committee properly constituted by Council, by a majority of elected Councillors at a properly constituted meeting of Council and who is entitled to vote on any question that falls to be decided at any meeting of Council or that committee or sub-committee.
- A ‘meeting’ is a properly constituted meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.
- Unless otherwise expressed, a reference to a Member of the Council includes a co-opted member of the Council.
- Where gender specific wording is used, meaning is intended to be gender neutral.

### II SCOPE

This Policy is to be followed for all enquiries, whoever receives them and whenever an individual contacts the Parish Council to request access to their personal information held by the Council.

### III POLICY

#### CP22.01 - General

Responses to requests must be completed within 1 month from receipt of the request, so it should be actioned as soon as it is received.

Responses will normally be provided free of charge, however, under certain circumstances a ‘reasonable fee’ may become chargeable when a request is manifestly unfounded, excessive or vexatious, particularly if it is repetitive.

#### CP22.02 – Procedure.

The request handler will follow the procedure defined to action the request:

**1. Confirm the request is actionable.**

- a) The request must be in writing (letter or email).
- b) The person requesting the information must provide sufficient detail to allow an efficient search for that information. (request more information from the person if the request is too broad.)

**2. Verify the identity of the requestor:**

You must be confident that the person requesting the information is indeed the person the information relates to. It may be necessary for the requestor to be asked to attend the office with their passport/photo driving licence and confirmation of their address (utility bill/bank statement).

**3. Determine where the personal information will be found:**

- a) All personal information, if any, is held on Council IT and open to all Councillors. This can be accessed by councillors directly on the Council 'cloud' data base or through the Clerk.
- b) If Council does not hold any personal data, the requestor will be informed as soon as this is established.
- c) If Council does hold personal data, continue to the next step.

**4. Screen the information:**

Some of the information that may be retrieved may not be disclosable due to exemptions, however legal advice should be sought before applying exemptions.

Examples of exemptions are:

1. References not verifiable
2. Publicly available information
3. Crime and taxation
4. Management information (restructuring/redundancies)
5. Negotiations with the requestor
6. Regulatory activities (planning enforcement, noise nuisance)
7. Legal advice and proceedings
8. Personal data of third parties

**5. Verify all the information is disclosable.**

In some cases, emails and documents may contain the personal information of other individuals who have not given their consent to share their personal information with others. If this is the case, the other individual's personal data must be redacted before the SAR is sent out.

**6. Prepare the SAR response** (using the sample letters at the end of this document)

Any response must include as a minimum the following information:

- 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;
- 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.

**7. Record Action**

Ensure a copy of the personal data undergoing processing and the response is forwarded to the Clerk for record purposes. Ensure the Clerk logs all SAR's to include the date of receipt, identity of the data subject, summary of the request, indication of if the Council can comply, date information is sent to the data subject.

**SAMPLE LETTERS**

**A: For replying to a subject access request providing the requested personal data:**

Dear [Name of data subject]

**Data Protection subject access request**

Thank you for your letter of [date] making a data subject access request for [subject]. We are pleased to enclose the personal data you requested.

Include 6(a) to (h) above.

Copyright in the personal data you have been given belongs to the council or to another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Yours sincerely”

**B: For the release of part of the personal data, when the remainder is covered by an exemption:**

Dear [Name of data subject]

**Data Protection subject access request**

Thank you for your letter of [date] making a data subject access request for [subject]. To answer your request we asked the following areas to search their records for personal data relating to you:

☐ [List the areas]

I am pleased to enclose [some/most] of the personal data you requested. [If any personal data has been removed] We have removed any obvious duplicate personal data that we noticed as we processed your request, as well as any personal data that is not about you. You will notice that [if there are gaps in the document] parts of the document(s) have been blacked out. [OR if there are fewer documents enclose] I have not enclosed all of the personal data you requested. This is because [explain why it is exempt].

Include 6(a) to (h) above.

Copyright in the personal data you have been given belongs to the council or to another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published, or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Yours sincerely”

**C: For replying to a subject access request explaining why you cannot provide any of the requested personal data:**

Dear [Name of data subject]

**Data Protection subject access request**

Thank you for your letter of [date] making a data subject access request for [subject].

I regret that we cannot provide the personal data you requested. This is because [explanation where appropriate].

[Examples include where one of the exemptions under the data protection legislation applies. For example the personal data might include personal data is ‘legally privileged’ because it is contained within legal advice provided to the council or relevant to on-going or preparation for litigation. Other exemptions include where the personal data identifies another living individual or relates to negotiations with the data subject. Your data protection officer will be able to advise if a relevant exemption applies and if the council is going to rely on the exemption to withhold or redact the data disclosed to the individual, then in this section of the letter the council should set out the reason why some of the data has been excluded.]

Yours sincerely”

Authorised & Adopted: **GRENDON UNDERWOOD PARISH COUNCIL**

Dated: 26<sup>th</sup> May 2020