

## BROUGHTON AND DALBY PARISH COUNCIL

### Subject Access Request Procedure

#### On receiving a Subject Access Request (SAR) the PC;

1. **MUST:** On receipt of a subject access request Cllrs must **forward** it immediately to the Clerk.
2. **MUST:** We must acknowledge receipt of the request within 7 days informing the individual of the process that will be followed.
3. **MUST:** We must correctly **identify** whether a request has been made under the Data Protection legislation
4. **MUST:** on receipt of 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.
5. **MUST:** All the personal data that has been requested must be **provided** unless an exemption can be applied.
6. **MUST:** We must **respond** within one calendar month after accepting the request as valid.
7. **MUST:** Subject Access Requests must be undertaken **free of charge** to the requestor unless the legislation permits reasonable fees to be charged.
8. **MUST:** Councillors and managers must ensure that the staff they manage are **aware** of and follow this guidance.
9. **MUST:** Where a requestor is not satisfied with a response to a SAR, the council must manage this as a **complaint**.

#### The Procedure

1. Notify the Clerk upon receipt of a request.
2. We must 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. You should 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
  - 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
3. Depending on the degree to which personal data is organised and structured, you will need to 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 which our area is responsible for, or owns.
  4. You must not withhold personal data because you believe it will be misunderstood; instead, you should provide an explanation with the personal data. You must provide the personal data in an "intelligible form", which includes giving an explanation of any codes, acronyms and complex terms. The personal data must be supplied in a permanent form except where the person agrees or where it is impossible or would involve undue effort. You may be able to agree with the requester that they will view the personal data on screen or inspect files on our premises. You must redact any exempt personal data from the released documents and explain why that personal data is being withheld.
  5. Make this clear on forms and on the council website
  6. We should do this through the use of induction, performance reviews and training, as well as establishing and maintaining appropriate working practices.
  7. A database is maintained allowing the council to report on the volume of requests and compliance against the statutory timescale.
  8. When responding to a complaint, we must advise the requestor that they may complain to the Information Commissioners Office ("ICO") if they remain unhappy with the outcome.

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Date of review: 6 September 2022

Reference in PC Minutes: 22/16