

MESSINGHAM PARISH COUNCIL

SUBJECT ACCESS REQUEST (SAR) POLICY & REQUEST FORM



This policy was adopted by the Parish Council in order to comply with the requirements of the General Data Protection Regulations (GDPR) in force on 25th May 2018.

Under the GDPR individuals have statutory rights with respect to their personal data, these are set out in the Privacy Notice available on our website. One such right permits an individual to request and see what information is held about them known as a subject access request (SAR).

What must the Parish Council do in the event of a SAR?

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

How will the Parish Council implement the above?

1. The Clerk to be notified upon receipt of a request, who will acknowledge receipt of the SAR.
2. The Clerk 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. The personal data requested should be clarified with the requestor. 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.

Requests on behalf of another individual to access information will require written consent from the individual to whom the data relates along with proof of identity. Legal authorisation to act on behalf of an individual, such as a power of attorney will require evidence by the third party of this entitlement.

3. Depending on the degree to which personal data is organised and structured, it will be necessary 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, CDs), tape recordings, paper records in relevant filing systems etc.
4. It is not permitted to withhold personal data because the council believes it will be misunderstood; instead, an explanation should be provided with the personal data. The personal data must be provided in a concise, transparent, intelligible and easily accessible 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. The council may be able to agree with the requestor that they view the personal data on screen or inspect the files. Exempt personal data should be redacted from the released documents and an explanation provided as to why that personal data is being withheld.
5. Maintain a database allowing the council to report on the volume of requests and compliance against the statutory timescale.
The information must be provided without delay and at the latest within one calendar month of receipt of the request. That timescale can be extended up to three months if the information requested is complex or numerous but in that case the individual must be told within one month, how much extra time is required and why.
If the council cannot provide the information requested, it should inform the data subject on this decision without delay and at the latest within one month of receipt of the request.
6. The information will be given free of charge. The exemption to this is if the request from a data subject is "manifestly unfound or excessive" in which case a reasonable fee can be charged. A reasonable fee can also be charged for providing further copies of the same information. The fee will be based on the administrative cost of providing the information.
7. Awareness for dealing with requests should be through the use of induction, performance and training, as well as through establishing and maintaining appropriate day to day working practices.
8. When responding to a complaint, advise the requestor that they may complain to the Information Commissioners Office ("ICO") if they remain unhappy with the outcome.

Contact details

The Data Controller: Messingham Parish Council

Email: clerk@messinghamparishcouncil.co.uk

Telephone: 07397 571469

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

**Messingham Parish Council
Subject Access Request Form**

Process to Action		
Name of requestor Title, First Name, Surname Email Address Telephone number Date of birth Address		
Identification must be proven from the list (see Subject Access Policy)		
Details of the data subject (if requesting information on behalf of someone else) Enclose evidence of authority and identification. Name Email Address Telephone number Address		
Describe the information you are requesting. If you are only seeking certain records, please provide the types of record; any time period; and any specific documents.		
Signature		
Date		
For Parish Council use		
Date Subject Access Request received		
Date Acknowledgement sent		
Is the request made under the Data Protection Legislation		Yes No
Date Subject Access Request action to be completed by (One month after receipt time limit)		
Extension to the date of reply requested (An extension of another two months is permissible provided it is communicated to the subject within the one month period)		Yes No
Extension date advised to the Subject Requestor and method of contact		
Verification sought that the Subject Access request is substantiated		Yes No
Verification received		Yes No
Verification if the Council cannot provide the information requested		Yes No

Is the request excessive or unfounded?	Yes	No
Request to be actioned	Yes	No
Fee to be charged (Subject Access requests must be undertaken free of charge to a requestor unless the legislation permits a reasonable charge)	Yes	No
If the request is to be refused, action to be taken and by whom.		
Changes requested to data/ or removal		
Complaint Process (Where a requestor is not satisfied with a response to a SAR, the council must manage this as a complaint)		
Completion date of request		
Date complaint received by requested and details of the complaint		
Date complaint completed and outcome		

Categories of Data to Check

Data	Filing Cabinet	Laptop	Checked	Corrected/Deleted	Actioned by

The completed form should be returned to the Clerk;
clerk@messinghamparishcouncil.co.uk

Policy Adopted: 11th June 2018 Minute ref: 1392 32d.ii)