



EARLEY TOWN COUNCIL

Subject Access Request Guidance

An individual has a right to request access and receive a copy of the personal data held about them to help understand how and why the council is using their data and to check that it is being processed lawfully.

This guidance must be followed when dealing with a Subject Access Request (SAR).

Submitting a Subject Access Request (SAR)

1. SARs can be received as a verbal request, a completed SAR form, an email, a letter or via social media.
2. Any member of staff can receive a SAR.
3. The SAR must contain a name and an address where a response can be sent, which can be an email address.
4. The requester must provide proof of their identity using one of the forms of identification that will be accepted, as listed in this document.
5. If the requester is requesting the information on behalf of someone else, they must provide proof that they have permission to make the request, along with the person's full details.
6. The requester must provide details of the information that is being requested.

On receipt of a SAR

1. The SAR must be forwarded immediately to the Town Clerk/Deputy Town Clerk.
2. The Town Clerk/Deputy Town Clerk will allocate the SAR with a reference number.
3. The Town Clerk/Deputy Town Clerk must enter the details of the request on the SAR database, recording the date of when a response must be provided.
4. The Town Clerk/Deputy Town Clerk must identify if the request has been made under Data Protection legislation.
5. The Town Clerk/Deputy Town Clerk will need to verify if the Council is the data controller of the data or the processor. If not the data controller, the requester will need to be advised and referred to the actual data controller.
6. The request must be acknowledged and if the request is to be refused in accordance with an exemption, the requester must be advised of the exemption which has been applied. Further information/clarification from the requester can be requested if their request is vague or unclear.

Clarification

If the request is too vague or unclear, the Council can request clarification from the requester regarding the information they are requesting. If clarification is requested, the one-month response timeframe does not start until the clarification has been received.

Forms of Identification

The following forms of identification will be accepted: -

- Current UK/EEA Passport
- UK Photocards Driving Licence (Full or Provisional)
- EEA National Identity Card
- State Pension Entitlement Document *
- State Benefits Entitlement Document *
- HMRC Tax Credit Document *
- Local Authority Benefit Document *
- State/Local Authority Educational Grant Document *
- HMRC Tax Notification Document
- Disabled Drivers Pass
- Financial Statement issued by bank or building society or credit card company **
- Judiciary Document such as Notice of Hearing, Summons or Court Order **
- Utility bill for supply of gas, electric, water, telephone **
- Most recent Mortgage Statement
- Most recent Council Tax Bill/Demand or Statement
- Tenancy Agreement
- Building Society passbook which show a transaction in the last 3 months and the requesters address

*These documents must be dated within the last 12 months

**These documents must be dated within the last 3 months

Response

1. A response will be provided within one month of receiving a SAR. However, a further two months can be applied if the SAR is complex, and the requester advised of this. If clarification is requested, the one-month response timeframe will not start until this clarification is received.
2. The information provided will be provided to the requester in a way which is understandable, with definition to any codes, acronyms and complex terms used.
3. The information provided will be in a permanent form, unless previously agreed that this would be impossible or involve undue effort. A requester may be able to view the data by inspecting files or viewing on a screen at the Council premises if a hardcopy cannot be provided.
4. If the Council is unable to provide the data requested, it will inform the requester of this decision without delay.
5. If the Council is unable to provide the data due to an exemption, the requester will be advised of the exemption which has been applied.
6. Any personal information contained in the information being provided not relating to the data subject will be redacted.

Cost of SARs

In most cases a charge will not be applicable to a SAR. However, a reasonable charge can be applied should a request become an unfounded or excessive request or if the requester has submitted several requests at the same time. Should a requester ask additional copies of the information they have been provided, again a fee may be applied.

Search for information

The Town Clerk/Deputy Town Clerk will instruct relevant staff to carry out a search of emails, including archived emails, word documents, spreadsheets, databases, filing systems, computer systems, memory sticks, CDs, DVDs and tape recordings to locate the requested information.

Withholding of data

All SARs will be treated in the same way no matter who has submitted the request and whilst the requester has no obligation to inform the Council as to why they are requesting the information, this information can help the Council with its response. Information should not be withheld from the requester because it could be misunderstood, instead the requester should be provided with an explanation of the information being provided.

SARs received from a child

Children have the same rights as adults to their personal information and a child may exercise their rights, if they are competent to do so and not acting against their own best interests. A child can authorise someone else to act on their behalf such as a parent another adult or a representative.

Exemptions

The exemptions are set out in Schedules 2 and 3 of the Data Protection Act and are as follows: -

- Crime and taxation: general
- Crime and taxation: risk assessment
- Legal professional privilege
- Functions designed to protect the public
- Regulatory functions relating to legal services, the health service and children's services
- Other regulatory functions
- Judicial appointments, independence and proceedings
- Journalism, academia, art and literature
- Research and statistics
- Archiving in the public interest
- Health, education and social work data
- Child abuse data
- Management information
- Negotiations with the requester
- Confidential references
- Exam scripts and exam marks
- Other exemptions

Complaints

If the requester is unhappy with how their SAR has been dealt with, they should submit a complaint in accordance with the Council's Complaint Process and the requester should be advised that they can also complain to the Information Commissioners Office, if they remain unhappy with the outcome of their complaint at <https://ico.org.uk/global/contact-us> or at the Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or telephone 0303 123 1113.