



## EARLEY TOWN COUNCIL

### SUBJECT ACCESS REQUEST POLICY

#### Introduction

Under the General Data Protection Regulations (GDPR), an individual, as a data subject has a right to know what information the Council, as a data controller holds on them, why their data is being processed and whether it has been or will be shared with a third party and that their data is being processed lawfully. An individual can request this information as a Subject Access Request.

#### Responsibilities

It is the Council's responsibility to ensure that this policy is followed when dealing with a Subject Access Request. Data subjects are informed of their rights to access data, which is documented in the Council's Privacy Notice.

The Council's Subject to Access Request Guidance should be read in conjunction with this policy.

#### Subject Access Request (SAR)

- A SAR can be made verbally or made in writing, either by letter, email or social media. The request does not have to state it is a SAR but must be dealt with as one.
- A third party can make a SAR on behalf of another person if that person is entitled to act on behalf of the individual. It is the responsibility of the third party to provide evidence of their authority.
- A child can make a SAR for their own personal information if they are competent to do so dependent on the level of understanding of the child 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.
- Whilst the Council does have a SAR Form, a data subject does not have to complete a request form, as GDPR determines a written request as sufficient.
- The Council must respond to a SAR within one month of receipt of a request. This time can be extended by 2 months if the request is complex or if a number of requests have been received from the same individual.
- The Council will perform a reasonable search for the requested information, however, is not required to conduct searches that are unreasonable or disproportionate to the importance of providing access to the information. Searches will be carried out of emails, including archived emails, word documents, spreadsheets, databases, filing systems, computer systems, memory sticks, CDs, DVDs and recordings.
- The Council can only refuse a request if an exemption or restriction applies, or if the request is manifestly unfounded or excessive.

- Any information will be provided to the data subject in a manner that is easy to understand and securely.
- The Council cannot charge for providing the requested information, unless legislation permits that a reasonable fee can be charged.

### **Subject Access Request Rights**

The main legislative measures that give rights of access to records include:

The Data Protection Act 2018 (DPA) – rights for living individuals to access their own records. The right can also be exercised by an authorised representative on the individual's behalf.

The General Data Protection Regulations (GDPR) - Individuals have the right, under the General Data Protection Regulation (EU) 2016/679 (Articles 12 and 15) to request access to, or a copy of, information an organisation holds about them.

### **Complaints**

Should a data subject make a complaint about the handling of their SAR, this must be dealt with in accordance with the Council's Complaint Process and the requestor should be advised that they may also complain to the Information Commissioners Officer 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, if they remain unhappy with the outcome of their complaint.

### **Compliance with this Policy**

This Policy applies to all Council employees, members and all individuals or organisations acting on behalf of the Council.

**Date of adoption:** 27th July 2022

**Date of review:** July 2024