

Subject Access Request (SAR) Procedure

Piddle Valley Parish Council

This procedure is to be followed when an individual (the requestor) contacts Piddle Valley Parish Council to request access to their personal information held by the Council. Requests should be forwarded to the Proper Officer (the Clerk) and must be completed within 1 month, so will be actioned as soon as it is received. SAR's may be provided free of charge, however, a reasonable fee will be charged when a request is considered manifestly unfounded or excessive, particularly if it is repetitive.

The steps below will be followed by the Clerk to action the request:

1. Determine whether it is a valid SAR
 - a) The SAR must be in writing (letter, email or fax).
 - b) Determine whether the requestor has provided sufficient information to allow the council to search for the information (the council reserves the right to request more information from the person if the request is too broad).
2. Verify the identity of the requestor.
 - a) The council must be confident that the person requesting the information is indeed the person the information relates to. The council will ask for the person to attend the office with their passport/photo driving licence to confirm their identity and to confirm their address (with a current utility bill or bank statement).
3. Determine where the personal information will be found
 - a) The Clerk will consider the type of information requested and use the data processing map to determine where the records are stored. (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.)
 - b) If the council does not hold any personal data, the requestor will be informed. If the council does hold personal data, it will continue to the next steps.
4. Screen the information
 - a) Some of the information retrieved by the council may not be disclosable due to exemptions: Examples of exemptions are:
 - Personal references given by the council
 - Publicly available information
 - Crime and taxation
 - Management information (restructuring/redundancies)
 - Negotiations with the requestor
 - Regulatory activities (planning enforcement, noise nuisance)
 - Legal advice and proceedings

- Personal data of third parties

The council reserves the right to seek legal advice before applying exemptions if it considers the exemption to be uncertain.

5. Determine if the council is able to disclose all the information
 - a) 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) and make sure to 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 Commissioner's 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.

A copy of the personal data undergoing processing will also be provided.

All SAR's will be logged by the Clerk include the date of receipt, identity of the data subject, summary of the request, indication whether the Council can comply, date information is sent to the data subject.

Sample letters:

Replying to a subject access request providing the requested personal data

“[Name] [Address]

[Date]

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”

Release of part of the personal data, when the remainder is covered by an exemption

“*[Name]* *[Address]*

[Date]

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”

Replying to a subject access request explaining why you cannot provide any of the requested personal data

“*[Name]* *[Address]*

[Date]

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"

Version number	Purpose/change	Author	Date
0.1	Initial draft	LSS	06/03/18
0.2	For use by PVPC	Chair PVPC	21/07/18

Next review date: April 2019