



# ECCLESFIELD PARISH COUNCIL

*Serving the Community since 1894*

## **SUBJECT ACCESS REQUEST POLICY**

### **BACKGROUND**

The right of access, commonly referred to as subject access, gives individuals the right to obtain a copy of their personal data as well as other supplementary information. It helps individuals to understand how and why the Parish Council are using their data and check the Parish Council are doing it lawfully.

### **Individuals have the right to obtain the following from the Parish Council:**

- Confirmation that the Parish Council are processing their personal data;
- A copy of their personal data; and
- Other supplementary information which largely corresponds to the information provided in the privacy notice, if applicable.

### **Personal data of the individual**

An individual is only entitled to their own personal data, and not to information relating to other people (unless the information is also about them or they are acting on behalf of someone). Therefore, it is important that the Parish Council establishes whether the information requested falls within the definition of personal data.

### **Other Information**

In addition to a copy of their personal data, the Parish Council also has to provide individuals with the following information:

- the purposes of the Parish Council's processing;
- the categories of personal data concerned;
- the recipients or categories of recipient the Parish Council discloses the personal data to;
- The Parish Council's retention period for storing the personal data or, where this is not possible, the Parish Council's criteria for determining how long the Parish Council will store it;
- the existence of their right to request rectification, erasure or restriction or to object to such processing;
- the right to lodge a complaint with the ICO or another supervisory authority;
- information about the source of the data, where it was not obtained directly from the individual;
- the existence of automated decision-making (including profiling); and

- the safeguards the Parish Council provide if the Parish Council transfer personal data to a third country or international organisation.

## **How do the Parish Council recognise a request?**

The General Data Protection Regulation (GDPR) does not specify how an individual can make a valid request, therefore an individual can make a subject access request (SAR) to the Parish Council verbally or in writing.

A request does not have to include the phrase 'subject access request' or Article 15 of the GDPR, as long as it is clear that the individual is asking for their own personal data.

However, the Parish Council have a legal responsibility to identify that an individual has made a request and it must be handled accordingly. Staff would be trained in how to identify SAR's and how to respond.

A list of requests received would be kept in the Parish Council office and the list would include how the request was made, over the telephone, in person, in writing (letter or email).

Timeline for responding to requests

## **When a SAR is received the following procedure would be carried out:**

- The SAR is logged on the request list
- Acknowledgement of receipt of the SAR is provided to the individual
- The GDPR requires that the information provided to an individual is in a concise, transparent, intelligible and easily accessible form, using clear and plain language.
- Within 1 month the response is sent to the individual, if the request was made electronically then the information would be provided back to them electronically unless the individual requests otherwise

## **Responding to requests**

The Information Commissioners Officer advise that a subject access request relates to the data held at the time the request was received. However, in many cases, routine use of the data may result in it being amended or even deleted while the Parish Council are dealing with the request. So, it would be reasonable for the Parish Council to supply information the Parish Council hold when the Parish Council send out a response, even if this is different to that held when the Parish Council received the request.

However, it is not acceptable to amend or delete the data if the Parish Council would not otherwise have done so. Under the Data Protection Act 2018 (DPA 2018), it is an offence to make any amendment with the intention of preventing its disclosure.

**Approved by Council 9.1.2020**

**Review date September 2022**