

**CLEATOR MOOR TOWN COUNCIL**  
**POLICY FOR RESPONDING TO SUBJECT ACCESS REQUESTS**

**Reviewed and approved on 11<sup>th</sup> September 2018**

1. On receipt of a subject access request it will be forwarded to the Clerk immediately.
2. The Council must correctly identify whether a request has been made under the Data Protection legislation.
3. A member of staff, 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. We must respond 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 and managers 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.

**What is the process to make a subject access request?**

1. Councillors need to notify the Clerk upon receipt of a request.
2. The Council 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 Council should clarify with the requestor what personal data they need. 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)
  - EEA National Identity Card
  - Full UK Paper Driving Licence
  - State Benefits Entitlement Document\*
  - HMRC Tax Credit Document\*
  - Local Authority Benefit Document\*
  - State/Local Authority Educational Grant Document\*
  - HMRC Tax Notification Document
  - Disabled Driver's Pass
  - 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
3. Depending on the degree to which personal data is organised and structured, the Council will need to search emails, word documents, spreadsheets, databases, systems, removable media (for example, memory sticks and CDs), tape recordings,

paper records in relevant filing systems etc. which your area is responsible for or owns.

4. The Council must not withhold personal data because it believes it will be misunderstood; instead, it should provide an explanation with the personal data. The Council must provide the personal data in an “intelligible 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 requester that they will view the personal data on screen or inspect files on our premises. The Council must redact any exempt personal data from the released documents and explain why that personal data is being withheld.
5. The Council will do this through the use of induction, performance and training, as well as through establishing and maintaining appropriate day to day working practices.
6. A database is maintained allowing the council to report on the volume of requests and compliance against the statutory timescale.
7. When responding to a complaint, the Council must advise the requestor that they may complain to the Information Commissioners Office (“ICO”) if they remain unhappy with the outcome.
8. All documents must include 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, such as Binding Corporate Rules or EU model clauses
  - (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 Commissioners 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

#### **10. 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 8(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”

### **11. 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 8(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”

### **12. 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"