

Bilsington Parish Council

Subject Access Requests Policy

Managing everyone's right of access to their personal data

Policy points are numbered. The numbering corresponds to explanations of 'why?' and 'how?' For each point further down the page.

What must 1 do?

1. **MUST:** we must correctly **identify** whether a request has been made under the Data Protection Act.
2. **MUST:** any employee who receives a request to locate and supply information relating to a Subject Access Request must make a full exhaustive search of the records to which they have access.
3. **MUST:** all the information that has been requested must be **provided** unless an exemption can be applied.
4. **MUST:** we must **respond** within 40 calendar days after accepting the request as valid.
5. **MUST:** Subject Access Requests must be undertaken **free of charge** to the requestor
6. **MUST:** log the **receipt and fulfilment** of all requests received by Bilsington Parish Council from a data subject to see his or her personal information. They must also respond to such requests on behalf of People Operations teams where the information is held in closed case files.
7. **MUST:** where a requestor is not satisfied with a response to a Subject Access Request, Bilsington Parish Council must manage this as a **complaint**.

Why must I do it?

1. So it can be correctly identified as a Subject Access Request and processed accordingly
2. In order to manage the request under the current legislation
3. The law requires that disclosure must be based on reviewing all personal data relevant to the request
4. The act requires a full disclosure to be made unless there is a legal reason for withholding all or some of the information
5. This is a statutory requirement
6. Although the Act allows us to charge up to £10 for processing requests, Bilsington Parish Council considers collecting this charge to be viewed as potentially obstructive to people making such requests, and due to administrative costs in collecting and processing the payment would result in negligible cost benefit to Bilsington Parish Council.
7. Bilsington Parish Council must be able to evidence its performance under the act to the Information Commissioners Office.
8. The act requires an internal complaints process to be in place before a complaint may be escalated to the Information Commissioners Office.

How must I do it?

1. As defined by section 7 of the Data Protection Act. We must ensure a request has been received in writing where a data subject is asking for sufficiently well-defined personal data held by Bilsington Parish Council relating to themselves. The Act permits and encourages us to clarify with the requestor what information they need. They must

supply their address and valid evidence to prove their identity. Bilsington Parish 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)

- a. Current UK/EEA Passport
 - b. UK Photocard Driving Licence (Full or Provisional)
 - c. Firearms Licence / Shotgun certificate
 - d. EEA National Identity Card
 - e. Full UK Paper Driving Licence
 - f. State Benefits Entitlement Document*
 - g. State Pension Entitlement Document*
 - h. HMRC Tax Credit Document*
 - i. Local Authority Benefit Document*
 - j. State/ Local Authority Educational Grant Document*
 - k. HMRC Tax Notification Document
 - l. Disabled Driver's pass
 - m. Financial statement issued by bank, building society or credit card company+
 - n. Judiciary document such as a Notice of hearing, Summons or Court Order
 - o. Utility bill for supply of gas, electric, water or telephone landline+
 - p. Most recent mortgage statement
 - q. Most recent Council Tax Bill/Demand or statement
 - r. Current Council Rent Card
 - s. Current Council Tenancy Agreement
 - t. Building Society Passbook which shows a transaction in the last 3 months and your address
2. Depending on the degree to which information is organised and structured, you will need to search emails (including archived emails and those that have been deleted but are still recoverable), word documents, spreadsheets, databases, systems, removable media (for example, memory sticks, floppy disks, CDs), tape recordings, paper records in relevant filing systems etc which your area is responsible for or owns.
 3. You must not withhold information because you believe it will be misunderstood; instead, you should provide an explanation with the information. You must provide the information in an "intelligible form", which includes giving an explanation of any codes, acronyms and complex terms. The information must be supplied in a permanent form except where the person agrees or where it is impossible or would involve undue effort. You may be able to agree with the requester that they will view the information on screen or inspect files on our premises. You must **redact** any exempt information from the released documents and explain why that information is being withheld.
 4. A database is maintained allowing Bilsington Parish Council to report on the volume of requests and compliance against the statutory timescale.
 5. When responding to a complaint, we must advise the requestor that they may complain to the Information Commissioners Office if they remain unhappy with the outcome.

What if I need to do something against the policy?

If you believe you have a valid business reason for an exception to these policy points, having read and understood the reasons why they are in place, check to see if there is a current Exception to Policy request available.